

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF TEXAS  
3 AUSTIN DIVISION

3 UNITED STATES OF AMERICA ) Docket No. A 12-CR-210 SS  
4 vs. )  
5 JOSE TREVINO-MORALES (3) )  
6 FRANCISCO ANTONIO )  
7 COLORADO-CESSA (6) )  
8 FERNANDO SOLIS-GARCIA (7) )  
9 EUSEVIO MALDONADO-HUITRON (11) )  
10 JESUS MALDONADO-HUITRON (18) ) April 29, 2013

9 TRANSCRIPT OF TRIAL ON THE MERITS  
10 BEFORE THE HONORABLE SAM SPARKS  
11 Volume 10 of 15

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1	<b>I N D E X</b>			
2		<u>Direct</u>	<u>Cross</u>	<u>Redirect</u> <u>Recross</u>
3	<u>Witnesses:</u>			
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**E X H I B I T S**

	<u>Offered</u>	<u>Admitted</u>
<u>Government's</u>		
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<u>Defendant's</u>		
(None.)		

08:15:20 1 THE COURT: Okay. Anything before we bring in the  
08:31:18 2 jury?

08:31:19 3 MR. GARDNER: Just briefly, your Honor. Mr. Mayr last  
08:31:21 4 week --

08:31:22 5 THE COURT: You may be seated in the audience if you  
08:31:23 6 wish.

08:31:31 7 MR. GARDNER: Your Honor, Mr. Mayr put two agents under  
08:31:35 8 the rule last week. Bill Johnston, I did not excuse him, and  
08:31:40 9 Charlie Cox, right?

08:31:41 10 MR. MAYR: That's right.

08:31:42 11 MR. GARDNER: And we have reached an agreement where  
08:31:44 12 he's agreed to excuse them from the recall such that they may sit  
08:31:48 13 in the courtroom. We don't plan to call them on rebuttal.  
08:31:51 14 Obviously Mr. Mayr has either one of those available, if he wants  
08:31:54 15 to, for his case such.

08:31:57 16 MR. MAYR: Sure. That is my agreement, your Honor. I  
08:32:01 17 have an agreement with the government to excuse the rule's  
08:32:04 18 application as to Agent Johnston except for the testimony of  
08:32:10 19 Agents Pennington and Lawson. I would ask that the rule -- that  
08:32:14 20 he be under the rule for those particular witnesses. May be  
08:32:18 21 excused -- well, I guess it's sort of an all or nothing kind of  
08:32:22 22 -- Judge, it's up to you. I mean, I --

08:32:24 23 THE COURT: Your agreement is not up to me, counsel.  
08:32:27 24 Do you have an agreement or not?

08:32:29 25 MR. MAYR: I do. I just want --

08:32:30 1 THE COURT: All right.

08:32:31 2 MR. MAYR: My agreement is that their -- they can  
08:32:33 3 remain in the courtroom except for the testimony of these two  
08:32:36 4 agents.

08:32:36 5 MR. GARDNER: We're fine with that, your Honor.

08:32:37 6 MS. FERNALD: That's fine.

08:32:39 7 MR. MAYR: Okay.

08:32:39 8 THE COURT: All right.

08:32:41 9 MR. GARDNER: And I have nothing further, your Honor.

08:32:47 10 THE COURT: Okay. Anybody else?

08:32:58 11 (Jury present.)

08:34:59 12 THE COURT: Counsel reminded me that it was not a very  
08:35:03 13 good weekend for Texas baseball or otherwise, but I think I ought  
08:35:06 14 to tell you that in addition to, of course, my father, brother  
08:35:10 15 and I and four sons went to Texas, but they have degrees from  
08:35:15 16 Tech and San Antonio, the university, and I've got one TCU  
08:35:21 17 graduate, I've got a Washington graduate, I've got two Aggie  
08:35:25 18 graduates when I count wives and sons and daughter and husband.  
08:35:35 19 So I'm not just the University of Texas. If they can all -- if  
08:35:39 20 they all want to be second place, it's okay.

08:35:44 21 During the weekend, did anyone attempt to talk to you  
08:35:47 22 about this case?

08:35:48 23 JURORS: No.

08:35:48 24 THE COURT: Did you talk to anyone about the case?

08:35:50 25 JURORS: No.

08:35:51 1 THE COURT: And have you learned anything at all about  
08:35:54 2 this case, outside the presence of each other in this courtroom?

08:35:57 3 JURORS: No.

08:35:58 4 THE COURT: All right. Thank you. Show negative  
08:36:00 5 responses to all questions by all jurors.

08:36:02 6 You may call your next witness.

08:36:03 7 MR. GARDNER: Thank you, your Honor. The government  
08:36:04 8 calls Jesus Rejon-Aguilar.

08:36:32 9 (Witness sworn.)

08:36:57 10 THE COURT: Sir, if you'll talk into that microphone,  
08:37:05 11 play like it's not there. You don't have to get too close, just  
08:37:11 12 talk in that direction. And if you'll tell us your full name and  
08:37:15 13 spell your last name, please.

08:37:17 14 THE WITNESS: Jesus Enrique Rejon-Aguilar.

08:37:27 15 THE COURT: Spell your last name.

08:37:29 16 THE WITNESS: R-E-J-O-N.

08:37:37 17 THE COURT: Thank you.

08:37:38 18 JESUS E. REJON-AGUILAR, called by the Government, duly sworn.

08:37:38 19 DIRECT EXAMINATION

08:37:38 20 BY MR. GARDNER:

08:37:39 21 Q. Thank you, your Honor.

08:37:40 22 Good morning, Mr. Rejon. We've met before. Can you  
08:37:42 23 please introduce yourself to the jury and tell them how old you  
08:37:45 24 are?

08:37:52 25 A. Good morning. I'm 37.

08:37:59 1 Q. How, Mr. Rejon, when you and I talked before, I noticed you  
08:38:02 2 cock your head to one side. Do you have a hearing problem?

08:38:13 3 A. Yes.

08:38:15 4 Q. So if there's something that you don't hear, please ask me  
08:38:18 5 or somebody else to repeat the question so we make sure you  
08:38:21 6 understand, please.

08:38:29 7 A. Okay.

08:38:30 8 Q. Where are you currently facing criminal charges?

08:38:39 9 A. In Washington.

08:38:41 10 Q. That's Washington D.C.?

08:38:45 11 A. District of Columbia.

08:38:46 12 Q. And what is your understanding of that charge?

08:38:52 13 A. Conspiracy. For the manufacture and distribution of more  
08:39:07 14 than five kilos or kilograms of cocaine, and the manufacturing  
08:39:13 15 and distribution of over a thousand kilos of marihuana.

08:39:15 16 Q. And have you pled guilty to that charge?

08:39:20 17 A. That's right.

08:39:21 18 Q. And have you been sentenced on that charge?

08:39:36 19 A. No. I've pled guilty to ten to life. I still have not been  
08:39:42 20 sentenced.

08:39:43 21 Q. And has anybody made you any promises with what your  
08:39:48 22 sentence may be?

08:39:51 23 A. No.

08:39:52 24 Q. And what is your hope for testifying here today? What do  
08:39:56 25 you hope to get out of it?



08:40:05 1 A. That the judge is going to sentence me, take that into  
08:40:08 2 account when he sentences me.

08:40:10 3 Q. And when were you arrested?

08:40:19 4 A. July 5, 2011.

08:40:22 5 Q. And where were you arrested?

08:40:26 6 A. Mexico City.

08:40:28 7 Q. So you were extradited to the U.S.?

08:40:33 8 A. That's correct.

08:40:34 9 Q. And do you have any charges pending in Mexico right now?

08:40:41 10 A. That's correct.

08:40:42 11 Q. And what are those charges?

08:40:53 12 A. Organized crime, carrying a prohibited weapon that's only  
08:41:02 13 allowed for the military, prohibited -- having access to  
08:41:07 14 prohibited munitions that are only allowed for the military.

08:41:10 15 Q. And have you testified previously in the United States?

08:41:18 16 A. That's correct.

08:41:19 17 Q. And was that in the District of Columbia?

08:41:24 18 A. That's correct.

08:41:25 19 Q. And who was the person on trial in that case?

08:41:36 20 A. Aurelio Cano-Flores.

08:41:39 21 Q. Did he also go by a name of "Yankee"?

08:41:43 22 A. That's correct.

08:41:46 23 Q. I want to talk a little bit about your history. Did you at  
08:41:50 24 some point join the Mexican military?

08:42:00 25 A. That's correct.

08:42:01 1 Q. And do you recall when that was?

08:42:07 2 A. '93 to '99.

08:42:11 3 Q. And did you eventually become part of what is known as the  
08:42:16 4 GAFEs or Mexican Special Forces?

08:42:22 5 A. That's correct.

08:42:23 6 Q. And what kind of training have you had or did you have as a  
08:42:27 7 member of the GAFEs?

08:42:51 8 A. The ones I remember as I was training to be a sniper,  
08:43:04 9 breaching building -- breaching, mountain climbing, antiterrorism  
08:43:08 10 activities, urban warfare, survival techniques in any area,  
08:43:14 11 sniper. Those are the ones I remember.

08:43:17 12 Q. And what does GAFE stand for?

08:43:29 13 THE INTERPRETER: Interpreter's going to ask for  
08:43:31 14 clarification.

08:43:39 15 A. The special force -- the group of -- that's moved both on  
08:43:43 16 air and land of the Special Forces unit.

08:43:45 17 Q. (BY MR. GARDNER) Is that similar to the Green Berets or  
08:43:48 18 Special Forces in the United States?

08:43:55 19 A. Yes.

08:43:57 20 Q. And what type of operations did you perform while a member  
08:44:01 21 of the Mexican military?

08:44:10 22 A. In one incursion.

08:44:13 23 Q. I'm sorry. Could you repeat that answer for us?

08:44:19 24 A. It's an incursion.

08:44:22 25 Q. Did you work any counter-narcotics operations?

08:44:31 1 A. That's correct.

08:44:32 2 Q. Could you please describe for the jury what type of  
08:44:35 3 counter-narcotics operations you conducted?

08:45:03 4 A. I was commissioned over at the federal judicial police for  
08:45:06 5 two years. That was from '97 to '99. I was in the  
08:45:12 6 anti-narcotics fight.

08:45:15 7 Q. And what was the highest rank you achieved while a member of  
08:45:18 8 the Mexican military?

08:45:25 9 A. Corporal Special Forces.

08:45:27 10 Q. At some point, did you desert?

08:45:32 11 A. Deserted in '99.

08:45:40 12 Q. And why did you desert?

08:45:43 13 A. I was going to be prosecuted, so I deserted.

08:45:48 14 Q. Why were you going to be prosecuted?

08:46:01 15 A. The offense that was going to be charged was corruption.

08:46:08 16 Q. And after you deserted, what did you do then?

08:46:17 17 A. I went to Tamaulipas to look for work.

08:46:19 18 Q. And did you find work with the Gulf cartel?

08:46:27 19 A. That's correct.

08:46:28 20 Q. And when was that?

08:46:29 21 A. In '99.

08:46:34 22 Q. And when you joined the Gulf cartel, what did you do for  
08:46:38 23 them?

08:46:52 24 A. I joined them as one of the escorts or bodyguards for  
08:46:58 25 officials.

08:47:01 1 Q. And at that time did the Gulf cartel have a group called the  
08:47:04 2 Zetas?

08:47:13 3 A. That's correct.

08:47:14 4 Q. And what did the Zetas do for the Gulf cartel?

08:47:32 5 A. We did everything that involved being escorts or bodyguards,  
08:47:37 6 protecting different officials and officers.

08:47:42 7 Q. Where did the name Zetas come from?

08:47:58 8 A. That was assigned to us by Osiel.

08:48:02 9 Q. Is that Osiel Cardenas-Guillen?

08:48:05 10 A. That's correct.

08:48:06 11 Q. And who was he at that time?

08:48:12 12 A. He was the leader of the Gulf cartel.

08:48:20 13 Q. And other than your name, Mr. Rejon, do you have any  
08:48:28 14 nicknames?

08:48:32 15 A. I do.

08:48:32 16 Q. And what are those?

08:48:34 17 A. "Mamito," the gentleman, the guy with the glasses, Zeta "7."

08:48:54 18 Q. And how are the numbers assigned?

08:49:12 19 A. At first, the numbers were assigned in accordance with how  
08:49:18 20 -- the order in which you join the armed group.

08:49:21 21 Q. So, for example, you were the seventh person to join the  
08:49:24 22 armed group? Would that be correct?

08:49:33 23 A. That's right.

08:49:33 24 Q. So when you were performing functions as a bodyguard for  
08:49:37 25 Osiel Cardenas, was he shipping drugs to the United States?

08:49:51 1 A. That's right.

08:49:52 2 Q. And during that period, was there a time when you, as part

08:49:56 3 of the Gulf cartel, took part in fighting other rival cartels?

08:50:11 4 A. That's right.

08:50:12 5 Q. And which cartels were those?

08:50:18 6 A. With the Sinaloa cartel.

08:50:21 7 Q. And did you take part in any armed battles with them?

08:50:29 8 A. I did.

08:50:30 9 Q. On how many occasions?

08:50:39 10 A. I don't remember, but it was more than ten.

08:50:43 11 Q. Now, do you know an individual named Alejandro

08:50:53 12 Morales-Betancourt?

08:50:57 13 A. I do.

08:50:58 14 Q. And how do you know him, sir?

08:51:09 15 A. We first were members of the same group within the armed

08:51:14 16 forces, and then, we belonged to the same cartel.

08:51:16 17 Q. And was there some point where Mr. Betancourt began

08:51:21 18 cooperating with the Mexican government?

08:51:28 19 A. That's right.

08:51:30 20 Q. And did the Gulf cartel issue orders to kill Mr. Betancourt

08:51:35 21 or any of his family members?

08:51:43 22 A. That's right.

08:51:44 23 Q. And did you end up killing any of the Betancourt family?

08:51:53 24 A. No.

08:51:54 25 Q. Why not?

08:52:01 1 A. I was assigned to kill the wife, but I don't know. I didn't  
08:52:11 2 think she was at fault for anything that had happened.

08:52:14 3 Q. And were you punished for that?

08:52:18 4 A. I was.

08:52:18 5 Q. And what happened?

08:52:19 6 A. My hands were handcuffed for a while.

08:52:36 7 Q. Now, as a member of the Gulf cartel, did you pay bribes to  
08:52:40 8 the police forces in Mexico?

08:52:49 9 A. I did.

08:52:49 10 Q. And what would the police do in exchange for those bribes?

08:53:18 11 A. Provided services, information, pick up people we weren't  
08:53:23 12 able to.

08:53:29 13 Q. Did you also provide bribes to the Mexican military?

08:53:37 14 A. I did.

08:53:38 15 Q. And what would the Mexican military do in exchange for those  
08:53:41 16 bribes?

08:54:05 17 A. Helped us fight the opposing group to our cartel. That's  
08:54:11 18 it.

08:54:13 19 Q. And at some point, were you responsible for the movement of  
08:54:18 20 drugs through Gulf cartel territory?

08:54:31 21 A. That's right.

08:54:32 22 Q. And were other cartels or other groups allowed to move drugs  
08:54:37 23 through Gulf cartel territory?

08:54:48 24 A. No.

08:54:49 25 Q. Were people required to pay a tax on drugs being moved

08:54:53 1 through the Gulf cartel territory?

08:55:03 2 A. That's right.

08:55:04 3 Q. And if people refused or did not pay the tax, what would  
08:55:07 4 happen to them?

08:55:28 5 A. They were kidnapped and then, orders were given, whether  
08:55:33 6 they had to be killed or what had to be done.

08:55:37 7 Q. While working for the Gulf cartel, did you kill people?

08:55:45 8 A. I did.

08:55:45 9 Q. Approximately how many people do you think you've killed for  
08:55:48 10 the Gulf cartel?

08:55:55 11 A. Twenty people.

08:55:57 12 Q. Did you kill these people yourself, or were you given orders  
08:56:00 13 to kill them?

08:56:05 14 A. I was ordered to kill them.

08:56:08 15 Q. And did you kidnap any folks while working for the Gulf  
08:56:17 16 cartel?

08:56:17 17 A. I did.

08:56:17 18 Q. Approximately how many people would you say you kidnapped  
08:56:21 19 while working for the Gulf cartel?

08:56:31 20 A. Ten or 15 people.

08:56:33 21 Q. Now, why would these people be killed or kidnapped?

08:56:43 22 A. For trafficking drugs without permission.

08:56:47 23 Q. Now, during your time as a member of the Gulf cartel, did  
08:56:50 24 you ever meet an individual named Miguel Trevino?

08:57:00 25 A. I did.

08:57:02 1 Q. 335A, please. Do you recognize this individual, Mr. Rejon?

08:57:14 2 A. I do.

08:57:15 3 Q. And who do you recognize that person as?

08:57:21 4 A. Miguel Angel Morales-Trevino, Zeta "40."

08:57:27 5 Q. And during your time together in the Gulf cartel, what was

08:57:33 6 "Cuarenta's" role?

08:57:41 7 A. He was the second one command of the armed branch of the

08:57:51 8 Zetas.

08:57:52 9 Q. Second-in-command to who? Who was the leader?

08:57:57 10 A. Heriberto Lazcano-Lazcano.

08:58:02 11 Q. So as second-in-command, did "40" give you orders to carry

08:58:07 12 out?

08:58:14 13 A. That's right.

08:58:22 14 Q. Do you recognize this individual, Mr. Rejon?

08:58:28 15 A. I do.

08:58:29 16 Q. And who do you recognize that as?

08:58:37 17 A. Oscar Omar Trevino.

08:58:42 18 Q. And did he have a nickname?

08:58:47 19 A. He did.

08:58:49 20 Q. And was that "Z 42"?

08:58:54 21 A. That's right.

08:58:55 22 Q. And what was "Z 42's" role in the Gulf cartel?

08:59:16 23 A. He was the supervisor for all the sectors or plazas that we

08:59:22 24 had at the national level and the movement of drugs into the

08:59:28 25 United States.



08:59:28 1 Q. And do you know if Miguel Angel Trevino and Oscar Omar  
08:59:33 2 Trevino are related?

08:59:42 3 A. They're brothers.

08:59:44 4 Q. And during your time in the Gulf cartel, what interaction  
08:59:47 5 did you have with "40" and "42"?

08:59:51 6 A. Both work and friendship.

09:00:11 7 Q. How often were you around them on a weekly or monthly basis?

09:00:32 8 A. For about two years, we saw each other daily.

09:00:36 9 Q. Some point, did the Gulf -- or the Zetas split from the Gulf  
09:00:48 10 cartel?

09:00:48 11 A. That's right.

09:00:49 12 Q. And when was this?

09:00:53 13 A. 2010.

09:00:55 14 Q. And why did the Zetas split from the Gulf?

09:01:07 15 A. The break came because of disagreements.

09:01:12 16 Q. And was there battles between the Gulf and the Zetas at that  
09:01:21 17 point?

09:01:21 18 A. That's right.

09:01:24 19 Q. And which side did you choose, the Zetas or the Gulf?

09:01:32 20 A. Zetas.

09:01:34 21 Q. So what became your role in the Zeta cartel?

09:01:53 22 A. I became the supervisor at the national level of all the  
09:01:58 23 plazas or sectors we had.

09:02:01 24 Q. And what was "40's" role in the new Zeta cartel?

09:02:22 25 A. He was a second-in-command for the armed branch, and he

09:02:27 1 supervised the people and the weaponry for the war.

09:02:33 2 Q. Was that the war with the Gulf cartel?

09:02:36 3 A. That's right.

09:02:40 4 Q. And during your time with the Zetas from 2010 until you were  
09:02:43 5 arrested in 2011, did you kill people for the Zetas?

09:02:57 6 A. I did.

09:02:58 7 Q. And approximately how many people did you kill while a  
09:03:01 8 member of the Zetas?

09:03:03 9 A. Some ten.

09:03:15 10 Q. Were these killings that you did personally, or would you  
09:03:19 11 order other people to kill on your behalf?

09:03:30 12 A. No. There were other people.

09:03:34 13 Q. Now, at this time was the Zetas cartel moving cocaine into  
09:03:40 14 the United States?

09:03:49 15 A. That's right.

09:03:50 16 Q. Approximately how much cocaine would you estimate that you  
09:03:55 17 or the Zetas moved into the United States in a year's timeframe?

09:04:09 18 A. Some 40 tons of cocaine or more.

09:04:29 19 Q. And how much money did the Zetas make in any given year,  
09:04:35 20 approximately?

09:04:52 21 A. \$350 million. About.

09:04:56 22 Q. And what type of expenses did the Zetas have that they had  
09:05:01 23 to pay from that \$350 million?

09:05:16 24 A. The expenses of the war. That's it.

09:05:18 25 Q. Was that the war with the Gulf cartel?

09:05:23 1 A. That's right.

09:05:27 2 Q. Mr. Rejon, I'm showing you Government's Exhibit 314. Do you  
09:05:32 3 recognize that, sir?

09:05:37 4 A. I do.

09:05:41 5 Q. And do you recognize Miguel and Omar Trevino and Miguel  
09:05:45 6 Trevino's wife in that picture?

09:05:52 7 A. I do.

09:05:53 8 Q. Your Honor, we offer Government's Exhibit 314.

09:06:05 9 THE COURT: It's admitted.

09:06:09 10 Q. (BY MR. GARDNER) Showing you Government's Exhibit 314, Mr.  
09:06:12 11 Rejon. Mr. Rejon, would you look on this screen for me up here?  
09:07:01 12 Who is this person right here?

09:07:08 13 A. Miguel Angel Morales-Trevino.

09:07:12 14 Q. And this person right here?

09:07:15 15 A. Omar Morales-Trevino.

09:07:17 16 Q. And do you know the name of this woman?

09:07:23 17 A. I know her as Juanita, Miguel's wife.

09:07:27 18 Q. Could you zoom out for me? And could you zoom in on this  
09:07:34 19 one? Have you ever met this individual, sir?

09:07:41 20 A. No.

09:07:56 21 Q. While a member of the Zeta or Gulf cartel, were you ever  
09:07:59 22 involved in the racing and buying of quarter horses?

09:08:14 23 A. I did.

09:08:14 24 Q. Okay. And when did you start becoming interested in quarter  
09:08:22 25 horses?

09:08:22 1 A. About 2004.

09:08:26 2 Q. Why did you become interested in quarter horses?

09:08:34 3 A. It was like a hobby.

09:08:36 4 Q. Was it an expensive hobby?

09:08:41 5 A. That's right.

09:08:42 6 Q. And how many horses do you think you had before you got

09:08:45 7 arrested?

09:08:55 8 A. Approximately, some 350 horses.

09:09:00 9 Q. And when you were racing and buying quarter horses, did you

09:09:06 10 look for any particular bloodlines?

09:09:28 11 A. Runaway Dash, Freedom Dash, Corona Cartel.

09:09:37 12 Q. And why did you seek out those particular bloodlines?

09:09:47 13 A. Those are the ones that tend to produce faster horses.

09:09:53 14 Q. Do you know this individual, sir?

09:10:03 15 A. I do.

09:10:04 16 Q. And who do you know him as?

09:10:08 17 A. Ramiro Villarreal.

09:10:10 18 Q. Your Honor, for the record, that's Exhibit 419.

09:10:16 19 Did Mr. Villarreal have a nickname?

09:10:32 20 A. I knew him as Ramiro.

09:10:34 21 Q. And when did you meet Ramiro?

09:10:45 22 A. About 2005.

09:10:47 23 Q. And what would Ramiro Villarreal do for you?

09:10:55 24 A. Bought quarter horses for me.

09:10:57 25 Q. And where was that?

09:11:04 1 A. He would buy them here in the United States.

09:11:06 2 Q. Would he buy them from private sellers or at auctions?

09:11:17 3 A. Auctions and private sellers.

09:11:21 4 Q. So with respect to the auctions, could you tell the jury how

09:11:24 5 you would identify a horse, how you would get those instructions

09:11:27 6 to Ramiro, and how that horse would be paid for?

09:12:01 7 A. The auctions have books. They have these books where the

09:12:15 8 horses come and they're numbered, and then, you provide the

09:12:20 9 number to him and for the number of the numbers of the ones you

09:12:25 10 want. And then, for the payments, Ramiro was paid in cash, and

09:12:28 11 he would make the deposits.

09:12:30 12 Q. Why wouldn't you buy the horses yourself?

09:12:37 13 A. I couldn't pay at an auction in cash.

09:12:45 14 Q. Because you would have been arrested in the U.S.?

09:12:49 15 A. That's right.

09:12:52 16 Q. Do you know a person nicknamed "Pili"?

09:12:59 17 A. I do.

09:13:00 18 Q. Showing you Government's Exhibit 11F. And I'm pointing to a

09:13:07 19 man in a blue shirt. Do you recognize that individual?

09:13:12 20 A. Yes.

09:13:15 21 Q. And that individual right there?

09:13:16 22 A. I do.

09:13:17 23 Q. Is that the person you recognize as "Pili"?

09:13:23 24 A. That's right.

09:13:24 25 Q. Your Honor, introduce Government's Exhibit 11F.

09:13:34 1 THE COURT: Received.

09:13:36 2 Q. (BY MR. GARDNER) Mr. Rejon, I'm pointing at the screen. Who

09:13:49 3 is this individual?

09:13:52 4 A. Ramiro Villarreal.

09:13:55 5 Q. And this individual next to him?

09:13:58 6 A. That's "La Pili."

09:14:01 7 Q. What did you know "Pili" to do?

09:14:09 8 A. He helped Ramiro in the purchase of quarter horses.

09:14:13 9 Q. Do you know how he helped Ramiro in the purchase of quarter

09:14:49 10 horses?

09:14:49 11 A. He helped Ramiro check out the colts, check them out to make

09:14:53 12 sure they didn't have -- that they weren't hurt during the

09:14:56 13 auction, and to pick up the payments.

09:15:06 14 Q. Now, at some point, did "40" or "42" become interested in

09:15:09 15 quarter horses?

09:15:15 16 A. That's right.

09:15:17 17 Q. All right. And why did they become interested in quarter

09:15:24 18 horses?

09:15:24 19 A. At first, like a hobby.

09:15:28 20 Q. And when did they become interested in quarter horses?

09:15:40 21 A. Approximately, about 2007, 2008.

09:15:44 22 Q. I'm showing you Government's Exhibit 11F again. Are you

09:15:51 23 familiar with this horse, Tempting Dash?

09:15:57 24 A. I do.

09:15:58 25 Q. Do you know where Ramiro bought that horse?

09:16:10 1 A. No. I don't remember the auction, but it was here in the  
09:16:14 2 U.S.

09:16:15 3 Q. And who gave him orders to buy that horse?

09:16:33 4 A. At first, I was the one that told him to buy it for me.

09:16:36 5 Q. And why did you want him to buy this particular horse?

09:16:48 6 A. Because of the bloodline.

09:16:50 7 Q. And so, when you say you first gave him orders to buy that  
09:16:54 8 horse, did you end up with that horse?

09:17:00 9 A. No.

09:17:09 10 Q. Who ended up with that horse?

09:17:15 11 A. Miguel Angel Morales-Trevino.

09:17:17 12 Q. Can you please tell the jury why that horse went to "40"  
09:17:22 13 instead of you when you gave the orders to buy that horse?

09:17:55 14 A. I had talked to Ramiro, asked for him to buy that at  
09:18:09 15 auction, and after I finished talking to him, he said yes, yes,  
09:18:12 16 he would; but then, after that, he talked to "40" and told him  
09:18:17 17 that he'd buy the colt for me, he was going to get for me, and he  
09:18:23 18 said no, that he wanted it and he ended up with the colt.

09:18:26 19 Q. So when Tempting Dash is racing on October 24th of 2009, is  
09:18:34 20 Ramiro Villarreal the owner of that horse?

09:18:39 21 A. Yes.

09:18:50 22 Q. Is he the true owner of that horse?

09:18:57 23 A. He wasn't the true owner of the horse.

09:19:00 24 Q. Was the true owner "40"?

09:19:04 25 A. That's right.

09:19:07 1 Q. Now, Mr. Rejon, I'm showing you Government's Exhibit 381A.

09:19:14 2 Are those your initials right there, sir?

09:19:17 3 A. That's right.

09:19:23 4 Q. And have you had a chance to listen to the phone calls on  
09:19:27 5 this disc?

09:19:33 6 A. That's right.

09:19:34 7 Q. And are the calls in English or in Spanish?

09:19:39 8 A. Spanish.

09:19:40 9 Q. And whose voices do you recognize on that disc?

09:19:49 10 A. Ramiro's voice, Omar Morales-Trevino, the guy in charge in  
09:20:12 11 Monterrey, I don't know his name, and "La Pili."

09:20:15 12 Q. I'm showing you Government's Exhibit 381B, which are the  
09:20:18 13 transcripts already admitted. Did you have an opportunity to go  
09:20:24 14 over those transcripts?

09:20:25 15 A. I did.

09:20:35 16 Q. And were you able to make corrections based on your  
09:20:37 17 knowledge of these individuals?

09:20:44 18 A. I did.

09:20:45 19 Q. And are those corrections reflected in the transcripts?

09:20:54 20 A. They do.

09:20:55 21 Q. Your Honor, I offer Government's Exhibit 381A. 381B is  
09:21:01 22 already admitted.

09:21:04 23 MR. DEGEURIN: Excuse me, your Honor, I have a motion  
09:21:06 24 in limine, number one, regarding this. Number two, I want to  
09:21:11 25 review what corrections this man made.



09:21:15 1 MR. GARDNER: Your Honor, those transcripts with the  
09:21:17 2 corrections and additions have been supplied to Mr. DeGeurin as  
09:21:20 3 of last week. They've been certified by both Ms. Helmerichs and  
09:21:24 4 the court transcriber. You've had them in e-mail for over a  
09:21:27 5 week.

09:21:28 6 MR. DEGEURIN: I thought they were translated by an  
09:21:31 7 official translator, not by --

09:21:35 8 MR. GARDNER: They were.

09:21:35 9 MR. DEGEURIN: That new testimony may be. But I do  
09:21:37 10 have a motion in limine if we could address at the bench.

09:21:48 11 (At the bench, on the record.)

09:22:05 12 MR. DEGEURIN: Your Honor, there's one part of here I  
09:22:09 13 think that's not probative.

09:22:09 14 THE COURT: Be sure and speak up enough.

09:22:15 15 MR. DEGEURIN: One part in here I've marked that's not  
09:22:16 16 probative. I think it's prejudicial and I think it should be  
09:22:20 17 left out.

09:22:25 18 THE COURT: Let the record show that counsel has handed  
09:22:28 19 me a transcript of two pages and --

09:22:35 20 MR. SANCHEZ: There's an identifying number on the top.

09:22:37 21 MR. GARDNER: Session number on the front, your Honor.

09:22:37 22 THE COURT: No. I understand that. But the  
09:22:44 23 transcription of two pages.

09:23:31 24 MR. GARDNER: Okay. Should be "FV" for female voice.

09:24:09 25 THE COURT: What's the date of this?

09:24:15 1 MR. GARDNER: Call was in 2009, your Honor.

09:24:18 2 THE COURT: December 10. Okay. What's the objection?

09:24:24 3 MR. DEGEURIN: It's really not probative. I guess the  
09:24:28 4 female was talking about something about money for a lawyer.  
09:24:29 5 It's not relevant to me.

09:24:29 6 THE COURT: She said she spoke to an attorney.

09:24:35 7 MR. DEGEURIN: But I mean, they're also talking about  
09:24:37 8 paying an attorney. I just don't think it's -- probably not any  
09:24:43 9 admissible.

09:24:43 10 THE COURT: I'm looking at what you've got outlined and  
09:24:45 11 it says, quote, I spoke to an attorney and I said to him, listen,  
09:24:53 12 what if it's like this or like that. No reason to, he said, if  
09:24:58 13 you have put it in someone else's name, then yes, he said.  
09:25:05 14 Whatever it is, the objection's overruled. This is a transcript  
09:25:12 15 December 10th, 2009. It says on the sheet.

09:25:34 16 Q. (BY MR. GARDNER) Mr. Rejon, who is the speakers on the phone  
09:25:42 17 calls?

09:25:54 18 A. Ramiro Villarreal, Oscar Omar Morales-Trevino, "La Pili" and  
09:26:20 19 the guy in charge in Monterrey.

09:26:23 20 Q. Your Honor, at this time, may I begin publishing the calls?

09:26:26 21 THE COURT: You may.

09:26:27 22 Q. (BY MR. GARDNER) Start with call No. 735.

09:26:38 23 (Audio file played.)

09:30:08 24 Mr. Rejon, this call is dated October 21st, 2009, four  
09:30:15 25 days before Tempting Dash won the Dash For Cash. Who is speaking

09:30:20 1 on that call?

09:30:39 2 A. Ramiro Villarreal. The other voice, I don't recognize it.

09:30:43 3 Q. And on that call, it says, \$500 for each gate and \$4,000 for  
09:30:48 4 the boss. How can bribing a gate starter help your horse win a  
09:30:53 5 race?

09:30:55 6 MS. WILLIAMS: Objection. Foundation.

09:30:58 7 MR. GARDNER: I can lay the foundation.

09:31:00 8 Q. (BY MR. GARDNER) Have you ever bribed someone at a horse  
09:31:03 9 race before, Mr. Rejon?

09:31:12 10 A. In Mexico, yes.

09:31:14 11 Q. Have you ever fixed a horse race in Mexico?

09:31:25 12 A. I have.

09:31:27 13 Q. Have you ever used the gate starters to gain an advantage  
09:31:34 14 over the other horses?

09:31:45 15 A. It's done differently in Mexico.

09:31:52 16 Q. And are you familiar with how bribes are given to gate  
09:31:56 17 starters in the U.S. to help a horse win?

09:32:09 18 A. I am.

09:32:10 19 Q. And have you had discussions with "40" about bribing various  
09:32:13 20 horse races in the United States?

09:32:20 21 A. I have.

09:32:21 22 Q. So how can bribing a gate starter help your horse win?

09:32:25 23 MS. WILLIAMS: Again, your Honor, lack of foundation.  
09:32:27 24 Just said it's done differently in the United States.

09:32:30 25 THE COURT: Objection is overruled. The witness may

09:32:33 1 answer.

09:32:43 2 A. The starters, the ones that handle the ones that place the  
09:33:17 3 horses in the position right at the gate for them to start. So  
09:33:21 4 if you pull the horse, his head as it comes out of the gate, that  
09:33:26 5 can cause them to all go one way or to run into each other, which  
09:33:29 6 changes the results of the gate -- of the race. Those people are  
09:33:36 7 hired -- in the U.S. are hired by the track.

09:33:38 8 Q. And so, what does bribing the supervisor of those gate  
09:33:43 9 starters do?

09:34:07 10 A. For that person to be within, inside the same circle, the  
09:34:11 11 same group, he's the one that gives the orders to the starters.

09:34:20 12 Q. Your Honor, I call 881, for the record, also on October 21st  
09:34:23 13 of 2009.

09:34:27 14 (Audio file played.)

09:36:11 15 Q. The last sentence there -- let me ask you this first. Who's  
09:36:15 16 talking in this call?

09:36:25 17 A. Ramiro Villarreal and Oscar Omar Morales-Trevino.

09:36:28 18 Q. And lists a number of other horses there. Does that refer  
09:36:32 19 to the gates that the other horses are starting from?

09:36:39 20 A. That's right.

09:36:40 21 Q. And the last word in there -- or the last sentence was  
09:36:44 22 talking about the son of a bitch better hang on to Hueso. Who is  
09:36:50 23 Hueso?

09:36:57 24 A. Tempting Dash.

09:36:59 25 Q. Was that the name it had in Mexico?

09:37:03 1 A. That's right.

09:37:04 2 Q. Call No. 888, also on October 21st of 2009.

09:37:14 3 THE COURT: What number was that?

09:37:16 4 MR. GARDNER: 888, your Honor.

09:37:19 5 THE COURT: For the record, 381's in evidence.

09:37:22 6 MR. GARDNER: Thank you, your Honor.

09:37:25 7 (Audio file played.)

09:37:37 8 Q. (BY MR. GARDNER) Who's speaking on this call?

09:38:20 9 A. Ramiro Villarreal and Oscar Omar Morales-Trevino.

09:38:26 10 Q. And when they're talking about operation Hueso is finished,

09:38:30 11 what are they referring to?

09:38:39 12 A. The deal they were making for the starters.

09:38:42 13 Q. Call 891, also on October 21st, 2009.

09:38:56 14 (Audio file played.)

09:39:15 15 Q. Again, who are the speakers on that call, Mr. Rejon?

09:39:20 16 A. Ramiro Villarreal and Oscar Omar Morales-Trevino.

09:39:26 17 Q. And again, are they talking about Tempting Dash in that

09:39:30 18 call, as well?

09:39:34 19 A. That's right.

09:39:36 20 Q. Call 1020, please, also on October 21st of 2009.

09:39:47 21 (Audio file played.)

09:44:07 22 Q. Mr. Rejon, who is speaking in this call?

09:44:10 23 A. Ramiro Villarreal and Oscar Omar Morales-Trevino.

09:44:18 24 Q. Now, earlier in the call, there's a line there that "42"

09:44:22 25 says, what's up with "Chevo"? How is he? Do you know "Chevo"

09:44:29 1 Huitron?

09:44:32 2 A. No.

09:44:40 3 Q. Have you never met him?

09:44:43 4 A. No.

09:44:44 5 Q. Have you heard "40" and "42" talk about "Chevo" Huitron?

09:44:52 6 A. Yes.

09:44:52 7 Q. And what have they said about "Chevo" Huitron?

09:45:04 8 A. That he's their horse trainer for their horses.

09:45:09 9 Q. Now, there's also discussions in here before this line where

09:45:12 10 it says, once the jolts are applied and they're talking about

09:45:15 11 batteries. Do you know what they're referring to when they're

09:45:18 12 talking about batteries when the jolts are applied?

09:45:42 13 A. They're talking about the fact that the hands, they apply

09:45:46 14 some jolts so that the horse will run faster so nothing will stop

09:45:51 15 them.

09:45:51 16 Q. When you say the hand, were these the hands of the jockey?

09:45:57 17 A. That's right.

09:45:58 18 Q. And where does the jockey hold the batteries?

09:46:15 19 A. They place them either somewhere on their wrist or they

09:46:17 20 carry them between their fingers.

09:46:19 21 Q. And what happens to the batteries after the race?

09:46:26 22 A. They're tossed.

09:46:27 23 Q. While on the track?

09:46:31 24 A. That's right.

09:46:33 25 Q. Now, there's another line in there where "42" is asking

09:46:37 1 Ramiro to do something with his fingers in the picture. Do you  
09:46:41 2 know what that refers to?

09:46:56 3 A. The greeting. Send him a greeting.

09:46:57 4 Q. What kind of greeting?

09:47:04 5 A. Like saying hi.

09:47:06 6 Q. Could we go to call 2230, dated October 24th, 2009?

09:47:20 7 THE COURT: Twenty-two what?

09:47:22 8 MR. GARDNER: 2230, your Honor.

09:47:27 9 (Audio file played.)

09:47:37 10 Q. (BY MR. GARDNER) Who's talking on that call, Mr. Rejon?

09:48:49 11 A. Ramiro Villarreal and "El Flaco," the guy in charge in  
09:48:55 12 Monterrey.

09:48:56 13 Q. And they talk about a new track record, is that for the win  
09:49:02 14 of Tempting Dash?

09:49:10 15 A. That's right.

09:49:11 16 Q. Again, the call is dated October 24th. Is that the same  
09:49:15 17 date that Tempting Dash won the Dash For Cash futurity?

09:49:28 18 A. That's right.

09:49:29 19 Q. And when he says, tell the boss about the track record, who  
09:49:33 20 is Ramiro referring to that's the boss?

09:49:39 21 A. Miguel Morales-Trevino.

09:49:49 22 Q. And, sir, were you present or had a discussion with "40"  
09:49:54 23 regarding the fixing of a race with Mr. Piloto?

09:50:10 24 A. That's right.

09:50:11 25 Q. And could you tell the jury what discussion you had with

09:50:15 1 "40" about the amount of bribes and what the bribes were to be  
09:50:18 2 used for?

09:50:49 3 A. All the payments that he made, including the ten percents,  
09:50:56 4 the bribes, everything, was more than half a million dollars.  
09:50:59 5 The bribes were for the starters and to have it be a faster  
09:51:05 6 track.

09:51:06 7 Q. When you say have it to be a faster track, could you explain  
09:51:09 8 what you mean by that?

09:51:19 9 A. That track is more -- is compacted.

09:51:24 10 Q. Is it harder?

09:51:27 11 A. That's right.

09:51:28 12 Q. And what effect does the hard packing of the track have on  
09:51:32 13 the horse?

09:51:57 14 A. For horses that can't go the distance, when you pack down  
09:52:01 15 the track, it helps them to go to the distance some 40 to 50  
09:52:07 16 yards more.

09:52:07 17 Q. Mr. Rejon, I'm going to show you Government's Exhibit 406.  
09:52:13 18 Have you seen this photo before, sir?

09:52:18 19 A. I have.

09:52:19 20 Q. And is this the starting of the All American Futurity with  
09:52:23 21 Mr. Piloto?

09:52:29 22 A. That's right.

09:52:31 23 Q. Your Honor, I'll offer Government's Exhibit 406 for  
09:52:34 24 demonstrative purposes. Your Honor, may I have one moment?

09:52:50 25 THE COURT: 406 for demonstrative purposes is admitted.



09:53:04 1 MR. GARDNER: Your Honor, I apologize. My IT  
09:53:06 2 specialist told me that she marked that one as 423. I will  
09:53:12 3 change that to 423.

09:53:13 4 THE COURT: 423 is admitted.

09:53:19 5 Q. (BY MR. GARDNER) Could we publish? Mr. Rejon, this horse  
09:53:40 6 here is Mr. Piloto?

09:53:48 7 A. Yes. The one coming out of gate nine.

09:54:01 8 Q. Mr. Rejon, when you look at the feet, what do you see with  
09:54:05 9 respect to the hard packing that you discussed earlier?

09:54:16 10 A. If you look at the hoofs of the horses, the penetration of  
09:54:31 11 the -- the way they break the surface, it's much less.

09:54:34 12 Q. And when you say it's much less, are you just referring to  
09:54:38 13 Mr. Piloto's track or all horses?

09:54:46 14 A. All the horses.

09:54:48 15 Q. Mr. Rejon, you see these horses banging into one another,  
09:54:56 16 and you also see these horses banging into one another. What  
09:55:00 17 effect does that have on the horses' lungs when they knock into  
09:55:04 18 each other?

09:55:05 19 MS. WILLIAMS: Your Honor, this man's not an expert.  
09:55:09 20 He has no foundation to answer that question.

09:55:13 21 THE COURT: Is that an objection?

09:55:15 22 MS. WILLIAMS: That is an objection.

09:55:16 23 THE COURT: And I'll sustain it.

09:55:18 24 Q. (BY MR. GARDNER) Have you ever directed any of your horses  
09:55:22 25 to run into other horses?

09:55:28 1 A. That's right.

09:55:29 2 Q. Does that help you gain an advantage in a horse race?

09:55:37 3 A. It does.

09:55:38 4 Q. And how does that help you gain an advantage in a horse

09:55:41 5 race?

09:55:43 6 A. When a horse starts a race, he's holding his breath, he's

09:56:08 7 trying to retain his breath so that he can let it out as it goes.

09:56:11 8 When they hit one another, it knocks the wind out, and it takes

09:56:14 9 even a millisecond for them to get to breathe in again, to get

09:56:18 10 the air again. That gives an advantage to the other horse.

09:56:24 11 Q. Give me 335E. Do you recognize this person, Mr. Rejon?

09:56:35 12 A. I do.

09:56:36 13 Q. And how do you recognize him?

09:56:40 14 A. Carlos Nayen.

09:56:42 15 Q. And what did Carlos Nayen do for "40"?

09:56:50 16 A. Trained the horses.

09:56:52 17 Q. Where? In Mexico or in the United States?

09:56:58 18 A. In Mexico and then, afterwards, he came to the U.S.

09:57:03 19 Q. May I call have 1061, dated October 21st of 2009?

09:57:23 20 (Audio file played.)

09:59:05 21 Q. Do you know a "Pancho" Colorado?

09:59:08 22 A. I do.

09:59:09 23 Q. Do you see him in the courtroom here today?

09:59:12 24 A. I do.

09:59:14 25 Q. Is this the individual standing back here in the blue tie?

09:59:20 1 A. That's right.

09:59:24 2 Q. And how do you know "Pancho" Colorado?

09:59:41 3 A. Met him about 2007. 2006, 2007.

09:59:50 4 Q. And how did you meet "Pancho" Colorado?

09:59:56 5 A. He was with a friend, a friend of mine at an apartment that

10:00:11 6 had Miguel Aleman.

10:00:13 7 Q. And do you know an individual named Efrain Torres?

10:00:19 8 A. That's right.

10:00:19 9 Q. And was he also called "Zeta 14"?

10:00:24 10 A. That's right.

10:00:26 11 Q. Do you know "Pancho" Colorado had a relationship with Efrain

10:00:31 12 Torres?

10:00:36 13 A. They were compadres.

10:00:41 14 Q. And so, what did "Pancho" Colorado do for Efrain Torres?

10:00:46 15 A. They had -- he helped him. He helped him with the company,

10:01:09 16 the company that "Pancho" Colorado had.

10:01:11 17 Q. And when you say "he," are you referring to Efrain Torres?

10:01:17 18 A. That's right.

10:01:19 19 Q. Were you present at a meeting after the death of Efrain

10:01:24 20 Torres where "Pancho" Colorado was also present?

10:01:45 21 A. That's right.

10:01:46 22 Q. And where was that meeting?

10:01:49 23 A. It was at a ranch that's located on the Tuxpan-Poza Rica

10:02:06 24 highway.

10:02:06 25 Q. And whose ranch was this?

10:02:10 1 A. Francisco Colorado's.

10:02:14 2 Q. Could you please explain to the jury how close the ranch  
10:02:17 3 house is to the road?

10:02:31 4 A. Some hundred meters.

10:02:33 5 Q. And are there any other structures or buildings behind the  
10:02:37 6 ranch house?

10:02:39 7 A. There's some houses, there's some stables. They're further  
10:03:03 8 back. There's some corrals or pens where you keep sheep, and  
10:03:11 9 then, you go down to the river.

10:03:13 10 Q. And other than sheep, what other type of animals were  
10:03:16 11 present on that ranch?

10:03:25 12 A. Quarter horses.

10:03:26 13 Q. Any other animals?

10:03:28 14 A. No.

10:03:32 15 THE COURT: Mark your spot.

10:03:33 16 MR. GARDNER: Thank you, your Honor.

10:03:34 17 THE COURT: Members of the jury, I'll give you your  
10:03:36 18 morning break. You'll have time to use the facility, stretch.  
10:03:41 19 Be ready to come back in 15 minutes.

10:04:12 20 (Jury not present.)

10:04:14 21 THE COURT: Recess for 15 minutes.

10:18:34 22 (Recess.)

10:18:54 23 THE COURT: We have an agricultural comment before we  
10:18:56 24 start.

10:18:57 25 MR. GARDNER: I've been informed.

10:19:02 1 THE INTERPRETER: The interpreter screwed up.

10:19:05 2 (Jury present.)

10:20:14 3 THE COURT: Ladies and gentlemen, the interpreter  
10:20:17 4 wishes to do a correction. You've got to realize that she is a  
10:20:21 5 city person.

10:20:25 6 THE INTERPRETER: Your Honor, for the record, when the  
10:20:27 7 interpreter said sheep, it should have been calves.

10:20:30 8 THE COURT: Okay.

10:20:33 9 THE INTERPRETER: Different animal.

10:20:33 10 THE COURT: All right. Let's proceed.

10:20:36 11 Q. (BY MR. GARDNER) Mr. Rejon, based on that correction by the  
10:20:40 12 translator, what type of cattle or calves did "Pancho" Colorado  
10:20:46 13 have on his ranch?

10:21:01 14 A. I don't know the breed. I know it's cattle. It was calves  
10:21:17 15 and it was bulls.

10:21:22 16 Q. And, sir, when you mentioned that "Z 14" helped "Pancho"  
10:21:29 17 Colorado's company, do you know the name of that company?

10:21:39 18 A. I think it's Petro Servicios.

10:21:50 19 Q. And do you know what activities the company did?

10:21:55 20 A. Some kind of mediation or cleanup for Pemex.

10:22:08 21 Q. Now, were you aware that "Pancho" Colorado was interested in  
10:22:17 22 quarter horses?

10:22:29 23 A. Yes.

10:22:32 24 Q. Could we play the next call, please?

10:22:36 25 (Audio file played.)

10:24:10 1 Q. Now, early on in that call, they talk about Heritage Place  
10:24:14 2 book. Is that the auction book you were referring to earlier?

10:24:17 3 A. Yes.

10:24:26 4 Q. And on the highlighted section here and above, there's a  
10:24:30 5 number of numbers. Do you know what those numbers refer to?

10:24:49 6 A. That's the number that the horse has on its hindquarters  
10:24:55 7 when it goes to auction.

10:24:57 8 Q. Please finish.

10:25:02 9 (Audio file played.)

10:26:04 10 Q. Mr. Rejon, was there any other "Pancho" and Carlitos buying  
10:26:09 11 horses along with the Zetas?

10:26:20 12 A. No.

10:26:21 13 Q. So the only ones you knew were "Pancho" Colorado and Carlos  
10:26:33 14 Nayen?

10:26:33 15 A. That's right.

10:26:35 16 Q. Please play call 2601, dated October 31st of 2009.

10:26:48 17 (Audio file played.)

10:27:59 18 Q. In this call, they referred to a small Corona. What's a  
10:28:03 19 small Corona?

10:28:14 20 A. That's the line of the horse, the horse is Corona Czech.

10:28:20 21 Q. And there's a horse there named Ahedrez. Do you know whose  
10:28:26 22 horse that is?

10:28:29 23 A. I do.

10:28:30 24 Q. And whose horse is that?

10:28:34 25 A. Miguel Angel Morales-Trevino.

10:28:37 1 Q. Did you ever participate with "40" in match races?

10:28:50 2 A. I did.

10:28:51 3 Q. And was "Pancho" Colorado present at these races?

10:28:55 4 A. That's right, at some.

10:29:02 5 Q. And when I say match races, were these private races or are  
10:29:07 6 they open to the public?

10:29:08 7 A. Both, private and public.

10:29:19 8 Q. And on the private races, who was present at those?

10:29:44 9 A. "40," "42," I was, at some of them, "Pancho" Colorado,  
10:29:53 10 Carlos Nayan.

10:29:54 11 Q. And did "Pancho" Colorado ever race against any of "40's"  
10:29:59 12 horses?

10:29:59 13 A. He did.

10:30:05 14 Q. And did they bet on these races?

10:30:08 15 A. Did.

10:30:11 16 Q. And what type of amounts would they bet?

10:30:13 17 A. Depended, 50, 30, \$40,000. Maximum would be 100,000.

10:30:34 18 Q. And did you ever provide one of your horses to "Pancho"  
10:30:38 19 Colorado to race?

10:30:43 20 A. I did.

10:30:48 21 Q. And could you describe that occasion for the jury, please?

10:31:11 22 A. It was a race that was done in Laredo, Tamaulipas, and it  
10:31:25 23 was a 300-yard race. "Pancho" Colorado didn't have a horse that  
10:31:31 24 would run that, and so, I loaned him El Igual so he could have a  
10:31:39 25 horse.

10:31:39 1 Q. And El Igual, is that the name of your horse?

10:31:42 2 A. That's right.

10:31:44 3 Q. And who won that race?

10:31:53 4 A. I won that race through Maradas with the horse -- or runoffs

10:32:11 5 with the horse that's called El Tolemec.

10:32:13 6 Q. And was "40" or "42" present at that particular match race?

10:32:28 7 A. No. Seems like they weren't.

10:32:32 8 Q. Did "Pancho" Colorado ever buy horses for "40" or "42"?

10:32:39 9 A. That's right.

10:32:46 10 Q. And do you know how that would work in terms of which horse

10:32:51 11 was picked and how it was paid for?

10:32:53 12 A. The horses were picked from the auction books, and the

10:33:23 13 payments would be provided to "Pancho" Colorado in Veracruz

10:33:27 14 through the company accountant.

10:33:30 15 Q. And how did "40" reimburse "Pancho" Colorado for the

10:33:36 16 purchase of horses?

10:33:47 17 A. In cash.

10:33:48 18 Q. And was this what "40" told you, or did you see that

10:33:53 19 personally?

10:33:59 20 A. "Cuarenta" would talk to me about it.

10:34:02 21 Q. Do you know on how many occasions "Pancho" Colorado

10:34:05 22 purchased horses for "40"?

10:34:07 23 A. Couple of occasions.

10:34:16 24 Q. And do you know the timeframe or the year in which this

10:34:21 25 occurred?



10:34:31 1 A. I don't remember the exact year.

10:34:33 2 Q. Could we play call 3460, dated September 6, 2009?

10:34:43 3 (Audio file played.)

10:36:28 4 Q. Mr. Rejon, who's talking in this call?

10:36:33 5 A. That's Ramiro Villarreal and "La Pili."

10:36:37 6 Q. And earlier on, it said, so what did he say this morning,

10:36:41 7 comma, the guy with glasses. Who, again, is the guy with

10:36:48 8 glasses?

10:36:52 9 A. That's me.

10:36:53 10 Q. And later on, it says that you were really upset. Do you

10:36:58 11 know what the substance of this call is about?

10:37:09 12 A. I do.

10:37:09 13 Q. And what is that, sir?

10:37:12 14 A. The deal is that I had asked Ramiro Villarreal to buy me a

10:37:41 15 horse, and we had agreed and he had said yes, but Miguel Angel

10:37:47 16 Morales-Trevino called him and said no, that horse is for me.

10:37:51 17 Q. Do you know what happened to Ramiro Villarreal?

10:37:57 18 A. I do.

10:37:58 19 Q. What happened to Mr. Villarreal?

10:38:00 20 A. He was killed in a car wreck.

10:38:08 21 Q. And was that car wreck an accident, or was it directed by

10:38:12 22 somebody from the Zetas?

10:38:25 23 A. It was ordered by someone in the Zetas.

10:38:27 24 Q. And who was that, sir?

10:38:30 25 A. Miguel Angel Morales-Trevino.

10:38:33 1 Q. And why did "40" want to kill Ramiro Villarreal?

10:38:41 2 A. Because he knew a lot about the horse business and "40" had  
10:39:03 3 a lot invested in the insemination and the horses, the deer, the  
10:39:10 4 cattle. Ramiro knew it all.

10:39:13 5 Q. And so, why did the knowledge that Ramiro Villarreal have  
10:39:17 6 cause "40" to kill him?

10:39:47 7 A. He could have been arrested and if he was arrested, he could  
10:39:51 8 testify. He knew all the names of the horses. He knew about all  
10:39:56 9 the embryos, the inseminations, the deer, the cattle, the horses.  
10:40:00 10 He could bring down his whole business.

10:40:03 11 Q. Could we please play call 4386? Your Honor, 4386 is dated  
10:40:10 12 December 10th of 2009.

10:40:16 13 (Audio file played.)

10:42:55 14 Q. In that particular call, it talks about changing the name of  
10:43:00 15 a horse. Have you ever had any discussions with "40" about  
10:43:08 16 putting Tempting Dash into Jose Trevino brother's name?

10:43:20 17 A. I heard that conversation. I was there present in that  
10:43:33 18 conversation.

10:43:33 19 Q. And when they talk about the brother being clean --

10:43:41 20 MS. WILLIAMS: Objection. Hearsay.

10:43:43 21 Q. (BY MR. GARDNER) And when "40" talks about the brother being  
10:43:45 22 clean, what does he mean by that?

10:44:01 23 A. That the brother had no relationship at all with drugs.  
10:44:05 24 That he was a person that didn't do anything illegal.

10:44:09 25 Q. And so, why did "40" feel it was important to put the horse

10:44:13 1 in his brother's name?

10:44:14 2 MS. WILLIAMS: Object to speculation.

10:44:17 3 Q. (BY MR. GARDNER) Did "40" tell you why it was important to  
10:44:20 4 put that horse in his brother Jose Trevino's name?

10:44:31 5 A. Yeah. They were going to change the name because when  
10:44:58 6 Capicopa was going to run --

10:45:00 7 MS. WILLIAMS: Objection, your Honor. Hearsay. If I  
10:45:01 8 understood him to say he didn't have this conversation, that he  
10:45:04 9 overheard -- that someone told him about this conversation.

10:45:06 10 MR. GARDNER: I believe he said he was present at the  
10:45:07 11 conversation with "40."

10:45:09 12 THE COURT: Well, let's ask the -- re-ask his  
10:45:14 13 knowledge.

10:45:15 14 Q. (BY MR. GARDNER) What did "40" tell you about why he wanted  
10:45:18 15 to put Tempting Dash into his clean brother's name?

10:45:52 16 A. He wanted to put it in his brother's name because the horse  
10:45:56 17 was going to run in Dash For Cash, and if he won the Dash For  
10:46:02 18 Cash, his value would increase and that way, the money would --  
10:46:05 19 they would be able to get the money, and the money would stay  
10:46:07 20 within the family.

10:46:08 21 Q. Could we finish the call, please?

10:46:18 22 (Audio file played.)

10:46:43 23 Q. And again, Mr. Rejon, who is talking in this call?

10:46:49 24 A. Ramiro Villarreal and "La Pili."

10:46:57 25 Q. Could you please play call 4296, dated December 12, 2009?

10:47:05 1 (Audio file played.)

10:48:44 2 Q. Who's speaking in this call, Mr. Rejon?

10:48:48 3 A. Ramiro Villarreal and I don't know. I don't know that other

10:48:54 4 person.

10:48:55 5 Q. When Mr. Villarreal is saying, I'll talk to the other one's

10:48:59 6 brother, do you know who he's referring to?

10:49:10 7 A. No.

10:49:14 8 Q. Do you know if "40" or "42" used "Chevo" to train any other

10:49:19 9 horses of theirs?

10:49:20 10 A. I knew he had horses, horses that were "42's" and "40's,"

10:49:48 11 but I don't know how many.

10:49:51 12 Q. Do you know an individual by the name of Alejandro Barradas?

10:49:59 13 A. That's right.

10:49:59 14 Q. And how do you know him?

10:50:12 15 A. We are -- we were partners in quarter horses.

10:50:16 16 Q. And do you know what happened to Alejandro Barradas?

10:50:24 17 A. He was killed.

10:50:28 18 Q. And are you familiar with his company Grupo Aduanero

10:50:35 19 Integral?

10:50:36 20 A. No.

10:50:38 21 Q. Do you know why Alejandro Barradas was killed?

10:50:45 22 A. Yes.

10:50:46 23 Q. And why was that?

10:50:50 24 A. My understanding is that he'd been asked to --

10:51:15 25 MS. WILLIAMS: Objection, your Honor. Speculation, my

10:51:17 1 understanding is.

10:51:20 2 Q. (BY MR. GARDNER) How did you come to learn that Alejandro  
10:51:23 3 Barradas had been killed? Who told you that?

10:51:35 4 A. I found out through the person in charge in Veracruz through  
10:51:46 5 Lucio Lucky.

10:51:49 6 Q. And was Lucky a Zeta?

10:51:52 7 A. That's right.

10:51:53 8 Q. And what did Lucky tell you with respect to the death of  
10:51:57 9 Alejandro Barradas?

10:51:58 10 MS. WILLIAMS: Object to hearsay.

10:51:59 11 THE COURT: Sustained.

10:52:05 12 Q. (BY MR. GARDNER) When was the last time you saw Alejandro  
10:52:07 13 Barradas?

10:52:23 14 A. It was in Laredo and it was approximately in 2009.

10:52:28 15 Q. So you know a Jose Luis Canales?

10:52:32 16 A. I know someone who's a Canales. I don't know if his first  
10:52:45 17 name's Jose Luis.

10:52:47 18 Q. And this Canales that you know, what do you know that he did  
10:52:50 19 for a living?

10:52:52 20 A. Sale of calves.

10:53:02 21 Q. Do you know where he sold calves or cows? What city?

10:53:10 22 A. No.

10:53:13 23 Q. Showing you Government's Exhibit 3640KT. Do you recognize  
10:53:23 24 that photo?

10:53:25 25 A. Yes.

10:53:26 1 Q. And who is it?

10:53:27 2 A. That's me.

10:53:29 3 Q. And is that your photo taken upon your arrest?

10:53:34 4 A. That's right.

10:53:35 5 Q. Your Honor, we offer Government's Exhibit 364 OKT.

10:53:51 6 MR. DEGEURIN: No objection, your Honor.

10:53:53 7 THE COURT: 364, I couldn't -- double T?

10:53:58 8 MR. GARDNER: 364 OKT, your Honor.

10:54:06 9 THE COURT: All right. That's received.

10:54:10 10 Q. (BY MR. GARDNER) That's a little hard to see, Mr. Rejon, but  
10:54:14 11 again, is that you upon your arrest?

10:54:20 12 A. That's right.

10:54:30 13 Q. Why don't you or other Zetas keep all your money in Mexico  
10:54:35 14 instead of bringing it into the United States?

10:54:47 15 A. Can you repeat that question? I didn't understand it.

10:54:49 16 Q. Why don't you just keep all your cash in Mexico?

10:55:02 17 A. I don't understand.

10:55:04 18 Q. I guess my question is, why don't you keep your cash in  
10:55:08 19 Mexico instead of spending it on horses in the United States?

10:55:38 20 A. It's just that it's invested, be it in horses, be it in  
10:55:43 21 properties. It's that you have to clean it up because it comes  
10:55:48 22 from drug trafficking, so you can't spend it, you can't put it in  
10:55:52 23 a bank, so you just have to hold it.

10:55:56 24 Q. What is "40's" favorite band?

10:56:05 25 A. La Banda El Recodo.

10:56:09 1 Q. That's all I have, your Honor.

10:56:14 2 THE COURT: Ms. Williams.

10:56:20 3 CROSS-EXAMINATION

10:56:20 4 BY MS. WILLIAMS:

10:56:24 5 Q. What happened to your horses?

10:56:30 6 A. They were stolen.

10:56:32 7 Q. By?

10:56:33 8 A. By the Gulf.

10:56:37 9 Q. By the Gulf cartel?

10:56:41 10 A. That's right. Some of them.

10:56:44 11 Q. And the others?

10:56:54 12 A. I had some mares and some horses here in the U.S. I don't  
10:56:59 13 know where they ended up.

10:56:59 14 Q. Isn't it true that you believe that Miguel Trevino-Morales  
10:57:03 15 turned you in to the Mexican police?

10:57:13 16 A. That I can't -- I don't know who turned me in.

10:57:16 17 Q. I know you don't know, but isn't that what you believe?

10:57:24 18 A. Yes.

10:57:26 19 Q. And you think he took all your horses?

10:57:33 20 A. No.

10:57:35 21 Q. I'm going to ask you about this call where you talk about  
10:57:43 22 Ramiro Villarreal having his picture taken. Do you remember  
10:57:45 23 listening to this call? The one about the whistling?

10:58:09 24 A. Who whistles?

10:58:13 25 Q. You listened to a call about five minutes ago, ten minutes

10:58:16 1 ago, where you said that Ramiro Villarreal was talking to Omar  
10:58:21 2 Trevino-Morales.

10:58:33 3 A. That's right.

10:58:35 4 Q. And you've continually referred to Omar Trevino-Morales and  
10:58:42 5 Miguel Trevino-Morales by their entire name during your  
10:58:49 6 testimony.

10:58:56 7 A. That's right.

10:58:57 8 Q. Why do you do that?

10:58:59 9 A. Because I spent a lot of time with them.

10:59:04 10 Q. So you call them by their whole name?

10:59:07 11 A. No.

10:59:15 12 Q. All right. I want to ask you about this call, it's dated  
10:59:20 13 October the 21st, 2009. Ramiro says he's going to Dallas and  
10:59:26 14 he's going to have his picture taken. Do you remember that?

10:59:45 15 A. Yes.

10:59:45 16 Q. And then, Omar says, say hi, do it like that with your  
10:59:49 17 finger. Do you remember that?

10:59:50 18 A. That's right.

10:59:57 19 Q. Not the middle one?

10:59:59 20 A. That's right.

11:00:02 21 Q. And then, he starts whistling and then, he -- again, he  
11:00:06 22 says, do like, you know, with your finger. Do you remember that?

11:00:15 23 A. Yes.

11:00:16 24 Q. And you told the prosecutor that meant do some sign, right?

11:00:25 25 A. That's right.



11:00:26 1 Q. All right. This is section No. 2145, dated also October the  
11:00:54 2 24th, 2009. I'd ask you to listen to this phone call.

11:01:04 3 (Audio file played.)

11:01:59 4 Q. All right. Who's on this phone call?

11:02:01 5 A. I can't hear that recording so well. I don't know who it  
11:02:09 6 is.

11:02:10 7 Q. All right. Let's play the rest -- well.

11:02:19 8 (Audio file played.)

11:02:41 9 Q. Did you understand that part?

11:02:46 10 A. It's confusing. Not much.

11:02:49 11 Q. So this isn't one of the calls that you've gone over with  
11:02:52 12 the prosecutor?

11:03:02 13 A. Yeah, but if you notice, it's a call that's not -- that the  
11:03:12 14 reproduction is not so good.

11:03:15 15 Q. Do you recognize Ramiro Villarreal on this call?

11:03:22 16 A. Could you play it a little longer, please?

11:03:26 17 Q. I will in a minute.

11:03:27 18 Do you recognize Ramiro Villarreal's voice on this  
11:03:30 19 tape?

11:03:39 20 A. I don't remember, but if it's there, of course.

11:03:42 21 Q. I'm not asking you if you remember this call. I'm asking  
11:03:45 22 you to listen to it and tell me if you can identify a voice.  
11:03:48 23 You've listened to a number of calls that the government played.  
11:03:51 24 You didn't have any trouble identifying who the voices were on  
11:03:54 25 that call, right?

11:04:08 1 A. Okay. Play the call and I'll recognize the voice.

11:04:15 2 (Audio file played.)

11:05:16 3 Q. Do you recognize Ramiro Villarreal's voice on this phone  
11:05:21 4 call?

11:05:22 5 A. Yes.

11:05:23 6 Q. And he's talking to somebody named Joe?

11:05:28 7 A. I don't know who he's talking to.

11:05:32 8 Q. He's talking to somebody?

11:05:33 9 A. Yes.

11:05:35 10 Q. And the first thing that happens is that this other person  
11:05:41 11 congratulates Ramiro and says it's an amazing horse?

11:05:47 12 A. That's right.

11:05:53 13 Q. And then, the other guy asked Ramiro, is the one that won,  
11:05:57 14 is it the boss's.

11:05:59 15 MR. GARDNER: Excuse me, your Honor, can we perhaps get  
11:06:01 16 a translation of that call, instead of Ms. Williams testifying as  
11:06:04 17 to what the call says? Improper form of the question, your  
11:06:12 18 Honor.

11:06:14 19 THE COURT: Members of the jury, I'm going to put you  
11:06:15 20 in the jury room.

11:06:52 21 (Jury not present.)

11:07:02 22 THE COURT: One of the most significant reasons that I  
11:07:09 23 required and requested and the government complied to give all of  
11:07:16 24 the recordings to counsel was so that counsel could go through  
11:07:22 25 that to decide which amount or, if any, they wanted to present.

11:07:29 1 And then, I entered an order that, of course, required anybody to  
11:07:38 2 give notice if there was going to be a problem with the  
11:07:41 3 translation.

11:07:44 4 Now, I'll admit, it never dawned on me that in the  
11:07:47 5 middle of the trial, the defendants would come up without any  
11:07:53 6 translations and then, attempt to translate in the courtroom,  
11:07:59 7 when there were translators completely available for literally  
11:08:05 8 months, but at least a month or at least weeks before this trial  
11:08:10 9 where you could have gotten translations. And now we're caught  
11:08:13 10 in a situation where you're doing the translation and the  
11:08:18 11 government's objecting.

11:08:26 12 Have you given any notice whatsoever of the portions of  
11:08:34 13 the recordings that you were going to use?

11:08:41 14 MS. WILLIAMS: I have this one call, your Honor. I  
11:08:43 15 didn't realize I was going to use it until this witness started  
11:08:46 16 testifying. I have a non-certified translation that I got from  
11:08:55 17 the government. That's what I'm using.

11:08:59 18 THE COURT: Okay. So you're using the first  
11:09:02 19 translation that the government gave you.

11:09:04 20 MS. WILLIAMS: Yes, your Honor.

11:09:04 21 THE COURT: Well, then, I'll overrule the objection.  
11:09:07 22 But if there's going to be any further ones that there's no  
11:09:10 23 notice on, I want you to give notice immediately to the United  
11:09:14 24 States attorney so that they can not have to have this objection,  
11:09:19 25 if we have to, and bring the jury, take them out and will make an

11:09:23 1 individual determination on each recording. And you're entitled  
11:09:28 2 to show, if you wish, that there had been a change, if there has  
11:09:38 3 been a change, or whatnot. But they're using basically the  
11:09:43 4 discovery that the government provided and that's -- there's not  
11:09:46 5 anything wrong with that. Bring the jury.

11:09:48 6 MR. GARDNER: Your Honor, I don't have a problem with  
11:09:49 7 that as long as we could introduce that line-sheet translation  
11:09:52 8 that Ms. Williams is talking about.

11:09:54 9 THE COURT: I'm sorry. I didn't.

11:09:56 10 MR. GARDNER: What she's referring to are what we call  
11:09:58 11 the line-sheet translations. If we could introduce that so that  
11:10:01 12 at least the jury could see that translation, refer to that.

11:10:04 13 THE COURT: Well, when you get the witness back, if you  
11:10:06 14 wish to, you can.

11:10:07 15 MR. GARDNER: All right.

11:10:11 16 MR. DEGEURIN: Your Honor, while the jury is still out,  
11:10:18 17 we've been requesting Giglio and Brady material pertaining to  
11:10:23 18 this witness and others. This witness has been interviewed  
11:10:28 19 multiple --

11:10:29 20 THE COURT: Do we need to have the witness leave the  
11:10:32 21 room?

11:10:33 22 MR. DEGEURIN: Possibly. Yes. Yes, we do. Thank you,  
11:10:36 23 Judge.

11:10:37 24 THE COURT: All right. If you'll take the witness out.  
11:11:02 25 Let the record reflect that Mr. Rejon has left the

11:11:15 1 courtroom.

11:11:16 2 MR. DEGEURIN: Thank you, Judge.

11:11:17 3 I have a good-faith belief that there were reports  
11:11:21 4 written, notations made concerning his -- this witness' eleven or  
11:11:29 5 twelve debriefings. We have none of those at this time. To  
11:11:36 6 effectively cross-examine him, I believe I need -- certainly  
11:11:42 7 should request, the Court could order, I believe, that those be  
11:11:45 8 given to us, the notes of what he has said about us and about his  
11:11:50 9 debriefings. We know that he's been shown multiple photographs  
11:11:56 10 in books, but we don't know what he said about those photographs  
11:11:59 11 in the books.

11:12:01 12 We know that he was arrested in Mexico under some sort  
11:12:05 13 of agreement. We don't know what it is. That he comes to the  
11:12:10 14 states, released from custody from Mexico. So I'm requesting  
11:12:14 15 that we have those before we are made to -- or before the  
11:12:19 16 opportunity to cross-examine him.

11:12:25 17 MR. GARDNER: Your Honor, the government's complied  
11:12:27 18 with both its Brady and Giglio obligations. We provided all this  
11:12:31 19 in a letter to Mr. DeGeurin. I'm sorry if I'm sounding like a  
11:12:34 20 broken record on this, your Honor, but right now, Mr. DeGeurin is  
11:12:38 21 bringing this up and this could have been brought up months ago.  
11:12:42 22 He has early discovery on this particular witness in terms of his  
11:12:46 23 previous trial transcript, his proffer letters, his plea  
11:12:49 24 agreements, and the other acts that the government elicited on  
11:12:52 25 direct examination in terms of his murders, his other charges in

11:12:55 1 Mexico. I don't have any documents from Mexico.

11:12:59 2 The government's complied with its obligations fully.

11:13:02 3 If he's asking about Jencks, the agent who's conducting the  
11:13:05 4 debriefs is not here to testify. Those are his statements, not  
11:13:09 5 Mr. Rejon's statements.

11:13:12 6 MR. DEGEURIN: And the most specific I can be, Judge,  
11:13:17 7 to give you an example, we have an indication that the witness  
11:13:23 8 was shown photographs, photo book and asked about these different  
11:13:29 9 people. We've been told -- we have belief that Mr. Colorado's  
11:13:35 10 photograph is in those books, and we don't have the report about  
11:13:39 11 what he -- whether he identified him or not. That's important  
11:13:46 12 information to know to effectively cross-examine the man when he  
11:13:51 13 walks in the courtroom and identifies Mr. Colorado.

11:14:00 14 And I'm not intending to offend Mr. Gardner at all.  
11:14:06 15 We've been told that there would debriefings, but we weren't  
11:14:09 16 given the debriefings.

11:14:10 17 THE COURT: I've also been told on multiple occasions  
11:14:15 18 that all of these materials have sat without inspection except in  
11:14:19 19 a limited way by one lawyer, Ms. Williams.

11:14:25 20 MR. DEGEURIN: No, no. Well, I mean -- that's not  
11:14:27 21 true.

11:14:28 22 THE COURT: And it just may not be the Giglio or  
11:14:31 23 whatever has been given you. But you can't -- if you know who  
11:14:38 24 that person is rather than just trying to make gold out of straw,  
11:14:45 25 counsel, subpoena. I'm not going to try the lawsuit for you. I

11:14:51 1 don't -- I can't make papers appear when the government tells me  
11:14:55 2 there aren't any, and everything has been submitted to you.

11:14:58 3 MR. DEGEURIN: I don't think he's saying there aren't  
11:15:00 4 any. I don't think he says they submitted them to me. I think  
11:15:03 5 what he's saying is, I'm not going to go and get his Giglio  
11:15:08 6 material.

11:15:08 7 THE COURT: Well --

11:15:10 8 MR. DEGEURIN: And we're not told he's going to testify  
11:15:14 9 until the Friday before trial, and we don't know when he's going  
11:15:17 10 to testify till now. We've been really busy. We've been moving  
11:15:22 11 this case really fast because we're working till 10:00 every  
11:15:25 12 night. So it's not -- Judge --

11:15:25 13 THE COURT: You may be working during the trial because  
11:15:28 14 we are taking full days of testimony, but this case has been  
11:15:31 15 pending a long time, and you've had most of the discovery a long  
11:15:37 16 time.

11:15:40 17 Do you have anything specific before I bring the jury  
11:15:42 18 back in?

11:15:43 19 MR. DEGEURIN: Yes. I'd like to have the reports  
11:15:47 20 generated by the agents of the eleven debriefings of this  
11:15:52 21 witness. I'd like to have the photo book that they -- and the  
11:15:57 22 photographs that they showed him for pretrial identification  
11:16:02 23 procedure. I think it was done -- part of it was done on an  
11:16:06 24 airplane, part of it was done in Washington, D.C. That's all I  
11:16:10 25 know. I don't know the agent's name, but I do know there were

11:16:15 1 eleven times that they talked to him and we have no reports of  
11:16:18 2 any of those interviews.

11:16:22 3 THE COURT: And the government takes the position  
11:16:24 4 they're Jencks material and that whoever is making those reports  
11:16:28 5 is not going to testify. He also is representing they're not  
11:16:32 6 Giglio materials.

11:16:35 7 MR. DEGEURIN: But we don't know. We can't just  
11:16:38 8 assume, without seeing what they are, whether they're --

11:16:42 9 THE COURT: You're going to make the determination now  
11:16:44 10 on what's Giglio or not?

11:16:46 11 MR. DEGEURIN: No, no. The content of his debriefings  
11:16:50 12 about his testimony is very important.

11:16:52 13 THE COURT: Well, it is. And I've been amazed sitting  
11:16:54 14 here and not hearing many objections. Ms. Williams has done a  
11:16:58 15 good job on making her objections. I don't believe any other  
11:17:01 16 lawyer's made a single objection, as we've gone through all of  
11:17:03 17 this stuff, whether it's relevant or not. So I don't know  
11:17:08 18 exactly what you're talking about. And I don't know how you  
11:17:11 19 could get any more information other than what the government has  
11:17:14 20 brought out on this fella's character. But that's just argument  
11:17:18 21 to the jury on credibility.

11:17:22 22 MR. DEGEURIN: I think the Brady request is specific.  
11:17:27 23 The man has been shown photographs of my client.

11:17:29 24 THE COURT: I've heard you, counsel. I'm bringing the  
11:17:31 25 jury back in. We're proceeding. Right in the middle of this



11:17:33 1 trial, I'm not going to keep this jury. They're already asking  
11:17:36 2 how long they're going to serve. Bring them in.

11:17:39 3 (Jury present.)

11:19:17 4 THE COURT: Ms. Williams, you may proceed.

11:19:36 5 MS. WILLIAMS: I'll offer Defendant's JT-9.

11:19:39 6 MR. GARDNER: No objection, your Honor.

11:19:42 7 THE COURT: JT-9 is received.

11:19:46 8 Q. (BY MS. WILLIAMS) So on this call, this other person who you  
11:20:01 9 don't know asked Ramiro if the horse that won is the boss's. Do  
11:20:17 10 you remember that?

11:20:20 11 A. Yes.

11:20:21 12 Q. And then, Ramiro says, no, it's not, it's another person's.

11:20:30 13 A. That's right.

11:20:31 14 Q. And the horse they're talking about is Tempting Dash, right?  
11:20:40 15 Because this is the day that Tempting Dash won the Dash For Cash,  
11:20:54 16 October 24, 2009, correct?

11:20:59 17 A. That's right.

11:21:02 18 Q. Now, you've testified quite a bit when the government's  
11:21:06 19 asking you questions about how races are fixed and how things can  
11:21:10 20 be done in the United States to change the results of races. Do  
11:21:16 21 you remember doing that?

11:21:24 22 A. That's right.

11:21:31 23 Q. Have you ever even been to a horse race in the United  
11:21:38 24 States?

11:21:38 25 A. No.

11:21:41 1 Q. I want to see if I understand what you've told this jury  
11:21:52 2 about this Tempting Dash race. You told them that you believe  
11:22:03 3 that somebody, Miguel or Omar, somebody with some other people  
11:22:08 4 paid some people in Dallas to fix this race. Right?

11:22:27 5 A. That's right.

11:22:28 6 Q. And they did that by holding back other horses so that they  
11:22:32 7 would run slower so that, in theory, Tempting Dash could win this  
11:22:38 8 race; is that right?

11:22:51 9 A. No.

11:22:53 10 Q. That's not what you said?

11:22:57 11 A. I didn't say that.

11:22:58 12 Q. You didn't say that -- you didn't tell this prosecutor and  
11:23:02 13 this jury that the horses' heads would be held so that they would  
11:23:06 14 run into each other so they would slow down?

11:23:25 15 A. Yes.

11:23:26 16 Q. So you did say that there was some sort of conspiracy to  
11:23:32 17 take care of these horses and make them run slower so that  
11:23:35 18 Tempting Dash could win?

11:23:50 19 A. That's right.

11:23:52 20 Q. The problem with that theory is what happened when Tempting  
11:24:00 21 Dash ran on October the 24th, 2009?

11:24:03 22 MR. GARDNER: Your Honor, I'm going to say that's  
11:24:06 23 argumentative, especially the first part of that question.

11:24:08 24 MS. WILLIAMS: I'll rephrase.

11:24:09 25 Q. (BY MS. WILLIAMS) What happened when Tempting Dash ran the

11:24:11 1 race on October 24, 2009?

11:24:22 2 A. He set another record.

11:24:23 3 Q. He set a record, right? He ran the fastest time that any  
11:24:27 4 horse had ever run on that track for that race. True?

11:24:38 5 A. That's right.

11:24:40 6 Q. Are you wanted in Mexico for any of these murders?

11:25:08 7 A. No.

11:25:09 8 Q. I want to see if I have your history straight. First, how  
11:25:23 9 old were you when you joined the Mexican military?

11:25:30 10 A. Sixteen.

11:25:31 11 Q. So you're 16 years old and you join the military and you're  
11:25:36 12 trained as a sniper, and you're supposed to be protecting the  
11:25:38 13 citizens of your country, right?

11:25:43 14 MR. GARDNER: Your Honor, I'm going to object to this  
11:25:45 15 as argumentative, as well.

11:25:49 16 THE COURT: Well, let's just proceed.

11:25:56 17 Q. (BY MS. WILLIAMS) Were you trained to protect the citizens  
11:25:59 18 of Mexico as a member of the Mexican military?

11:26:12 19 A. That's right.

11:26:14 20 Q. And after that, you became corrupt. You were accused of  
11:26:19 21 corruption.

11:26:25 22 A. That's right.

11:26:25 23 Q. And you turned your back on the citizens of Mexico and you  
11:26:29 24 became, yeah, a hit man, right?

11:26:49 25 A. That's right.

11:26:50 1 Q. In 1999, you deserted from the military and you became --  
11:26:55 2 you started working against your country with the Gulf cartel.

11:27:19 3 A. I started working in drug trafficking.

11:27:23 4 Q. Did you or did you not say you were working for the Gulf  
11:27:30 5 cartel?

11:27:30 6 A. I did.

11:27:34 7 Q. And then, you deserted the Gulf cartel and you started  
11:27:38 8 working for Zetas.

11:27:50 9 A. No.

11:27:54 10 Q. You're a citizen of Mexico?

11:27:58 11 A. That's right.

11:28:03 12 Q. You started working for the Gulf cartel and the Zetas were  
11:28:11 13 working with the Gulf cartel, correct?

11:28:20 14 A. Correct.

11:28:22 15 Q. And at some point, the Gulf cartel and the Zetas started  
11:28:25 16 working against each other?

11:28:35 17 A. That's right.

11:28:36 18 Q. And which side did you pick?

11:28:38 19 A. The armed Zeta group.

11:28:47 20 Q. So what I said a while ago that you left the Gulf cartel and  
11:28:52 21 started working for the Zetas, and you said no, that wasn't true,  
11:28:55 22 was it?

11:29:17 23 A. I did not leave the Gulf cartel. I had always been a member  
11:29:33 24 of the Zetas, which was the armed branch. I have never -- so I  
11:29:37 25 was never part -- although I was part of the same cell which

11:29:40 1 consisted in the cartel, the Gulf cartel, I've always been a  
11:29:45 2 Zeta, and when the break occurred, I was not a part of their  
11:29:52 3 personnel.

11:29:54 4 Q. So now, you get arrested in Mexico after you've killed  
11:30:00 5 people, correct?

11:30:17 6 A. I am arrested. I'm arrested for organized crime.

11:30:20 7 Q. Yes. But you've also killed people. Yes?

11:30:30 8 A. Correct.

11:30:31 9 Q. And kidnapped people?

11:30:33 10 A. Correct.

11:30:34 11 Q. And tortured people?

11:30:38 12 A. Correct.

11:30:39 13 Q. And now that you're in the United States, you've discovered  
11:30:48 14 that you can testify against people.

11:31:00 15 A. That's right.

11:31:01 16 Q. And you've spent the last several years talking to agents to  
11:31:06 17 see who you can testify for, against?

11:31:18 18 A. Correct.

11:31:19 19 Q. So that hopefully instead of getting a life sentence, you  
11:31:24 20 might get something less than a life sentence; is that right?

11:31:35 21 A. Correct.

11:31:37 22 Q. And do you have some understanding or some agreement with  
11:31:41 23 somebody that after you finish doing your time, you get to stay  
11:31:44 24 in the United States?

11:31:54 25 A. No.

11:32:01 1 Q. I want to see if I have this right about Jose Trevino.  
11:32:25 2 Miguel told you that Jose Trevino didn't have anything to do with  
11:32:31 3 their business; isn't that right?  
11:32:41 4 A. Correct.  
11:32:42 5 Q. And he told you that he wouldn't do anything illegal.  
11:32:56 6 A. Correct.  
11:32:58 7 Q. But then, things get a little sticky because then you tell  
11:33:09 8 the prosecutor and the jury that --  
11:33:11 9 THE COURT: Counsel, let's ask questions. I'm going to  
11:33:14 10 give you plenty of time to argue.  
11:33:18 11 MS. WILLIAMS: Thank you, your Honor.  
11:33:19 12 Q. (BY MS. WILLIAMS) You tell the jury that Miguel wanted to  
11:33:25 13 put this horse Tempting Dash in Jose's name in case it won a  
11:33:30 14 bunch of money.  
11:33:44 15 A. Correct.  
11:33:51 16 Q. But this is a \$25,000 horse. It's a cheap horse?  
11:34:03 17 MR. GARDNER: Your Honor, is there a question here?  
11:34:05 18 Form of the question.  
11:34:05 19 THE COURT: There's a good argument there. Counsel,  
11:34:07 20 that's twice. Ask questions, not make statements.  
11:34:12 21 Q. (BY MS. WILLIAMS) In the scale of horses, of race horses, is  
11:34:20 22 \$25,000 a lot to pay or a little bit to pay?  
11:34:35 23 A. Depends on who's paying it.  
11:34:39 24 Q. I don't have anything further. I pass the witness.  
11:34:57 25 THE COURT: Okay. Mr. DeGeurin.

11:34:59 1 MR. DEGEURIN: Yes, your Honor.

11:35:17 2 CROSS-EXAMINATION

11:35:17 3 BY MR. DEGEURIN:

11:35:36 4 Q. Would you recognize your initials if you saw them?

11:35:41 5 A. Yes.

11:35:43 6 Q. Do you see your initials anywhere on those eleven entries?

11:35:58 7 A. Yes.

11:36:04 8 Q. I'm going to establish a few things, if I can, through you,  
11:36:10 9 sir.

11:36:12 10 You were arrested in Mexico, you say, for the crime of  
11:36:15 11 corruption, correct?

11:36:27 12 A. Organized crime.

11:36:29 13 Q. Organized crime. And that was in June of what year?

11:36:40 14 A. July 2011.

11:36:42 15 Q. Were you arrested in June, also, 2007?

11:36:51 16 A. No.

11:36:52 17 Q. So you were arrested in July of 2007, best of your  
11:36:56 18 recollection, and how long was it before you were on an airplane  
11:37:02 19 flying to the United States?

11:37:17 20 A. I was arrested July 2011.

11:37:23 21 Q. I said 7. That was my mistake.

11:37:28 22 July 2011, you were arrested in Mexico. How long --  
11:37:34 23 what day on July -- in July?

11:37:50 24 A. I was presented -- formally presented on July 5th.

11:37:58 25 Q. Formally presented, I guess, means apprehended?

11:38:07 1 A. No. No. I'd been picked up five days before that, four  
11:38:21 2 days before that.

11:38:25 3 Q. Were you in a prison somewhere? Jail? Prison?

11:38:39 4 A. I couldn't see. I was blindfolded.

11:38:43 5 Q. You were blindfolded by the Mexican police?

11:38:47 6 A. Correct.

11:38:49 7 Q. And how many days were you blindfolded?

11:38:57 8 A. The entire time until I was presented on TV.

11:39:02 9 Q. And you were actually -- was it a YouTube or was it on TV?

11:39:09 10 A. What -- when you see that recording that comes out on the  
11:39:24 11 TV, it was just -- that was made just a few minutes before I  
11:39:30 12 actually came out on TV.

11:39:34 13 Q. All right. And so, it's your -- you were arrested four or  
11:39:42 14 five days before that?

11:39:49 15 A. Correct.

11:39:50 16 Q. And you remained blindfolded for four or five days before  
11:39:56 17 they put you on TV?

11:40:02 18 A. Correct.

11:40:03 19 Q. Are you -- do you contend that the statement that you made  
11:40:11 20 in Mexico on TV was a coerced statement?

11:40:26 21 A. Correct.

11:40:27 22 Q. Well, those were your words, not mine originally; isn't that  
11:40:31 23 correct? The word you were coerced?

11:40:41 24 A. That's correct. And in fact, even if for a Mexican court,  
11:41:02 25 that statement is invalid, given that there was no representation



11:41:05 1 from the prosecutor's office there.

11:41:13 2 Q. Did you actually go to court in Mexico?

11:41:20 3 A. Correct.

11:41:21 4 Q. And when was it between your arrest and the time that you  
11:41:26 5 were on an airplane come into the United States? When did you go  
11:41:32 6 to court? I don't have those days.

11:41:32 7 THE COURT: I understand, but you've given him two  
11:41:39 8 different questions.

11:41:40 9 MR. DEGEURIN: Oh.

11:41:41 10 THE COURT: Just make them one at a time, and I think  
11:41:44 11 you'll do better. How long after your arrest were you flown into  
11:41:49 12 the United States?

11:42:10 13 THE WITNESS: I was brought in the 13th or the 12th of  
11:42:22 14 September of 2013 -- 2012, sorry.

11:43:52 15 Q. (BY MR. DEGEURIN) When you were arrested in Mexico, what  
11:43:55 16 were the circumstances? I mean, what brought you to the  
11:43:59 17 attention of the Mexican authorities?

11:44:17 18 A. I don't know.

11:44:19 19 Q. You were arrested in a car, a house, or on an airplane?

11:44:29 20 A. In an apartment.

11:44:30 21 Q. Your own apartment?

11:44:32 22 A. No.

11:44:33 23 Q. Someone else's?

11:44:35 24 A. Correct. An ex-military person.

11:44:44 25 Q. Was he arrested, also?

11:44:50 1 A. He was arrested later.

11:44:52 2 Q. Okay. Were you accused or were you thought to -- strike  
11:45:04 3 that.

11:45:04 4 Were you believed to be involved in the killing of any  
11:45:11 5 United States officer, law enforcement officer?

11:45:32 6 A. Correct.

11:45:33 7 Q. And which United States law enforcement officer were you  
11:45:37 8 believed to be involved in killing?

11:45:51 9 A. I don't know.

11:45:55 10 Q. The Mexican authorities, after you told them, were aware of  
11:46:06 11 you killing 30 human beings before you got on a plane to go to  
11:46:14 12 the United States, correct?

11:46:30 13 A. Let me see. Can you repeat that question? I didn't  
11:46:33 14 understand that.

11:46:33 15 Q. How many people did you tell the Mexican authorities that  
11:46:36 16 you had murdered?

11:46:46 17 A. No.

11:46:49 18 Q. How many did you tell the Mexican authorities that you had  
11:46:53 19 been involved with in kidnapping human beings?

11:47:05 20 A. Not a one.

11:47:07 21 Q. All right. Did they ask you about kidnapping human beings  
11:47:13 22 or killing, murdering or -- one at a time. Did they ask you  
11:47:19 23 about killing, torturing, kidnapping human beings while you were  
11:47:27 24 in custody in Mexico?

11:47:42 25 A. Correct.

11:47:44 1 Q. Was the answer "Yes"?

11:47:49 2 A. Yes. That's what you asked.

11:47:53 3 Q. And was your confession to those murders -- did you confess  
11:48:01 4 to those murders?

11:48:11 5 A. No.

11:48:12 6 Q. All right. So you denied them when they asked you about  
11:48:15 7 them?

11:48:19 8 A. Correct.

11:48:20 9 Q. So when did you first confess to the 30 or more murders?

11:48:33 10 A. Here in the United States.

11:48:36 11 Q. All right. Now, I want to get back to the different times  
11:48:40 12 that you've talked to people that leads up to you confessing to  
11:48:48 13 the 30 murders, okay?

11:49:01 14 A. All right.

11:49:01 15 Q. I'm going to show you some documents. Unfortunately,  
11:49:17 16 they're in English. However, you've identified your initials, is  
11:49:26 17 that correct, on the last page?

11:49:28 18 A. Correct.

11:49:32 19 Q. By looking at the last page, I know you can't -- would have  
11:49:39 20 difficulty with the English. But by looking at the last page,  
11:49:45 21 would this refresh your memory? If it does of the different  
11:49:50 22 dates that you spoke to law enforcement officers of the United  
11:50:18 23 States?

11:50:18 24 A. Correct.

11:50:23 25 Q. Did you -- do you remember the call date that you were in

11:50:28 1 the airplane flying to the United States?

11:50:46 2 A. I don't remember, but it was 14th, 15th, 12th of September.

11:50:50 3 Q. And on that airplane, do you recall being interrogated by

11:50:59 4 law enforcement officers?

11:51:00 5 A. Correct.

11:51:06 6 Q. And you were shown photographs of people and asked if you

11:51:15 7 could say something about those people.

11:51:25 8 A. No.

11:51:26 9 Q. Were you ever shown any photographs?

11:51:32 10 A. Yes. I'd been shown photographs.

11:51:35 11 Q. And are you saying you just did not see those photographs on

11:51:38 12 the airplane?

11:51:43 13 A. That's correct.

11:51:44 14 Q. No photographs were shown on the airplane?

11:51:49 15 A. No.

11:51:50 16 Q. Do you recall what the subject matter was of your

11:51:53 17 interrogation on the plane?

11:52:05 18 A. Don't remember a lot, but there were questions about me

11:52:09 19 personally.

11:52:11 20 Q. And was that being recorded?

11:52:17 21 A. No.

11:52:19 22 Q. But there were agents taking notes?

11:52:25 23 A. I don't remember.

11:52:27 24 Q. Okay. Now, looking at the documents up there before you,

11:52:33 25 can you tell us the first date -- if it reminds you, the first

11:52:39 1 day of your initial meeting with the agents?

11:53:05 2 A. 16th of September of 2012.

11:53:09 3 Q. Now, it's important if you can remember the names of the  
11:53:16 4 agents because I'm going to have to try to subpoena them to  
11:53:22 5 court. Do you remember who you met with on September --

11:53:24 6 MR. GARDNER: Your Honor, this is improper. He has the  
11:53:26 7 names of the agents --

11:53:27 8 THE COURT: Ah, ah, ah.

11:53:30 9 MR. DEGEURIN: I don't.

11:53:30 10 THE COURT: Members of the jury, you are not to  
11:53:31 11 consider in any way, shape or form the statement just made by  
11:53:34 12 counsel. But I will let you go to lunch. Remember the  
11:53:37 13 instructions. Please follow the instructions. Be ready to  
11:53:41 14 return at 1:20.

11:54:16 15 (Jury not present.)

11:54:27 16 THE COURT: You may continue. It will be throughout  
11:54:33 17 the noon hour. We will not have lunch. We will have the record  
11:54:36 18 made.

11:54:42 19 MR. DEGEURIN: Your Honor, I --

11:54:43 20 THE COURT: It's not going to take you long to find out  
11:54:45 21 he doesn't know the name, but go ahead.

11:54:47 22 Q. (BY MR. DEGEURIN) Do you know the names of the agents?

11:54:58 23 A. Yes.

11:55:00 24 Q. What are they?

11:55:13 25 A. The male prosecutor, his name is Shawn. The female

11:55:48 1 prosecutor, I don't remember her name. It's a DEA agent, his  
11:55:59 2 name is -- at this moment, I don't remember his name.

11:56:05 3 Q. Were you shown photographs to see if you could identify  
11:56:09 4 them?

11:56:12 5 MR. GARDNER: I'm sorry, your Honor, is he talking  
11:56:14 6 about other individuals or --

11:56:15 7 THE COURT: The question literally is, were you shown  
11:56:17 8 the agents' photographs?

11:56:19 9 MR. DEGEURIN: Oh, I'm sorry.

11:56:20 10 THE COURT: Let's rephrase. I don't think you meant  
11:56:23 11 that.

11:56:23 12 MR. DEGEURIN: No.

11:56:24 13 Q. (BY MR. DEGEURIN) Were you shown photographs by the agents  
11:56:27 14 or the prosecutors and asked to identify them?

11:56:41 15 A. Correct.

11:56:43 16 Q. On how many occasions was that done, were the photographs  
11:56:52 17 shown to you?

11:57:15 18 A. You know, I don't know if I could talk about that. It was a  
11:57:18 19 lot of photographs because it was from 1999 from when I started  
11:57:23 20 being a member of the cartel. I couldn't tell you. I don't know  
11:57:27 21 if I could tell you now. I know a lot of people.

11:57:31 22 Q. I don't mean to name all the people. How many times did  
11:57:36 23 they -- let me break it down.

11:57:39 24 Did they show you a book of photographs like this?

11:58:00 25 A. It was by computer or photographs from a book.

11:58:05 1 Q. Okay. How many times was that done, whether by a computer  
11:58:17 2 or by book?

11:58:30 3 A. Every time I see them, I'm shown photographs, asked if I  
11:58:33 4 know a person.

11:58:40 5 MR. DEGEURIN: Your Honor, I think that that's  
11:58:41 6 sufficient.

11:58:41 7 THE COURT: Do you have any further questions of the  
11:58:43 8 witness? Let's don't make any statements in front of the  
11:58:49 9 witness.

11:58:54 10 Q. (BY MR. DEGEURIN) Were any of your meetings with the agents  
11:59:01 11 that you initialed up there, were any of those meetings  
11:59:06 12 pertaining to laundering money in the United States?

11:59:33 13 A. Yes.

11:59:34 14 Q. Were you ever shown any of your statements -- I mean, any of  
11:59:43 15 your reports of your interviews?

11:59:56 16 A. My attorney has them.

12:00:00 17 Q. And were you ever -- did any prosecutor ever go over with  
12:00:08 18 you your -- the reports of your interviews after you got to the  
12:00:21 19 United States?

12:00:21 20 A. They have -- yes. They've reviewed information.

12:00:38 21 Q. And would ask you if their report is correct about what you  
12:00:44 22 said?

12:00:48 23 A. Yeah. I've been asked what is it I know and that's what I  
12:01:04 24 say. That's it.

12:01:08 25 MR. DEGEURIN: Okay, your Honor. I think I've -- yes.

12:01:12 1 No further questions.

12:01:14 2 THE COURT: You may take the witness to lunch.

12:01:45 3 All right. Anything further before we leave?

12:01:53 4 MR. ESPER: Nothing, your Honor.

12:01:54 5 MR. MAYR: Nothing, your Honor.

12:01:55 6 MR. GARDNER: No, sir.

12:01:56 7 THE COURT: All right. I'll have counsel up here. And  
12:01:59 8 we're in recess till 1:20.

12:02:12 9 (At the bench, on the record.)

12:02:25 10 THE COURT: I just think that it's shameful that none  
12:02:29 11 of you asked if Frank Perez is representing him.

12:02:34 12 MR. WOMACK: Sir, I didn't get a chance to ask.

12:02:37 13 MR. ESPER: I was going to ask that question when I got  
12:02:38 14 up.

12:02:39 15 THE COURT: In light of just what happened, none of you  
12:02:41 16 said it. All right. 1:20.

13:16:36 17 (Lunch recess.)

13:22:35 18 THE COURT: During the noon hour, I received from the  
13:22:38 19 clerk the specific request for Brady and Giglio materials on  
13:22:46 20 behalf of Colorado-Cessa by counsel, near the third week of  
13:22:51 21 trial. Hopefully the last week but at certainly next to last  
13:22:56 22 week for sure. The government has represented in open court and  
13:23:04 23 in pleadings that all the Brady and Giglio materials that they  
13:23:11 24 need are Brady or Giglio materials have been turned over.

13:23:20 25 I have no specific information or evidence before me



13:23:23 1 that that is incorrect. In the 22 years I've been here, the  
13:23:30 2 United States Attorney, at my request, has practiced an open  
13:23:35 3 file. I've never had any problems with Brady or Giglio  
13:23:39 4 materials. In all of these years, I have had motions and have  
13:23:47 5 viewed materials, but I've never ascertained that the government  
13:23:50 6 was incorrect in those specific cases where the evidence was  
13:23:56 7 available for inspection.

13:24:00 8 Counsel is, of course, assuming, probably correctly,  
13:24:08 9 that on most, if not all, of the interviews of the witnesses  
13:24:14 10 that's still here, Mr. Rejon, that some sort of notes would be --  
13:24:19 11 would have been made. It's probably true, but there's no  
13:24:24 12 indication before this court that they are Brady nor Giglio  
13:24:29 13 materials. I don't have them. I have not reviewed them. But  
13:24:33 14 representation of the government that stands in open court and in  
13:24:38 15 writing is sufficient for the Court, particularly when it comes  
13:24:43 16 so late and there is no basis of it. The record is made.

13:24:51 17 Now, bring the jury in. It's a request to the  
13:24:58 18 government, I assume, but an order by me, which I will not enter.

13:25:34 19 MR. DEGEURIN: It's my understanding, your Honor, that  
13:25:35 20 Mr. Gardner has not seen those reports that I was requesting. Of  
13:25:43 21 course, I haven't seen them either.

13:25:44 22 THE COURT: Well, you requested them.

13:25:49 23 MR. DEGEURIN: I'm sorry?

13:25:50 24 THE COURT: You've requested it. It's what your  
13:25:54 25 pleading says you're requesting.

13:26:04 1 (Jury present.)

13:26:46 2 THE COURT: Members of the jury, during the noon hour,

13:26:47 3 did anyone attempt to talk to you about this case?

13:26:49 4 JURORS: No.

13:26:49 5 THE COURT: Have you talked to anybody about the case?

13:26:52 6 JURORS: No.

13:26:52 7 THE COURT: And have you learned anything at all about

13:26:54 8 the case, outside the presence of each other in this courtroom?

13:26:57 9 JURORS: No.

13:26:58 10 THE COURT: All right. Show negative responses to all

13:27:01 11 questions by all jurors.

13:27:07 12 Mr. DeGeurin, you may continue.

13:27:18 13 MR. DEGEURIN: I'd take full advantage, but there's no

13:27:21 14 witness.

13:27:21 15 THE COURT: Well, then, your questions should be short.

13:27:29 16 MR. DEGEURIN: As would be the answer.

13:27:44 17 THE COURT: Mr. Rejon, you understand that you're still

13:27:47 18 under oath to tell the truth?

13:27:51 19 THE WITNESS: Correct.

13:27:52 20 THE COURT: You may proceed.

13:27:55 21 Q. (BY MR. DEGEURIN) Do you go by Rejon or Rejon-Aguilar?

13:28:16 22 A. Since I got here, I've always been referred to as Rejon or

13:28:20 23 Rejon-Aguilar. Before that, I have never been called by my real

13:28:25 24 name.

13:28:28 25 Q. What name did you have that was not your real name?

13:28:34 1 A. "Mamito."

13:28:38 2 Q. You also -- you listed the different nicknames that you have  
13:28:45 3 been called by. "Mamito" is one of them. One name that you left  
13:28:50 4 out was "Brujo."

13:29:06 5 A. Yes.

13:29:08 6 Q. And "Brujo" means witch -- I don't know how this is going to  
13:29:13 7 translate. "Brujo" means like a witch, correct?

13:29:24 8 A. Yes.

13:29:27 9 Q. Mysterious, magical, that sort of description goes with the  
13:29:35 10 name "Brujo"?

13:29:44 11 A. Yes.

13:29:47 12 Q. Powers that are mysterious? Powers that you possess?

13:30:02 13 A. That's what the word implies.

13:30:05 14 Q. The ability to be responsible for 30 murders and not let it  
13:30:11 15 affect your outward personality.

13:30:31 16 A. I don't understand your question.

13:30:35 17 THE COURT: It's not a question yet.

13:30:42 18 Q. (BY MR. DEGEURIN) Well, let's talk about the picture of  
13:30:46 19 yourself that you gave to other people, first of all, okay?

13:30:59 20 A. Okay.

13:31:00 21 Q. You were a -- you own horses, correct?

13:31:14 22 A. That's right.

13:31:15 23 Q. Many horses?

13:31:19 24 A. That's right.

13:31:21 25 Q. And those horses belong to you and your family?

13:31:30 1 A. Correct.

13:31:31 2 Q. Those horses did not belong to Miguel Angel Trevino, or Omar  
13:31:38 3 Trevino, or anybody else. They were your horses; isn't that  
13:31:41 4 correct?

13:31:52 5 A. I had some in partnership with Barradas.

13:31:58 6 Q. And those that you had in partnership with Barradas, if I'm  
13:32:03 7 pronouncing it correctly, were horses that you and Barradas owned  
13:32:08 8 together?

13:32:16 9 A. That's right.

13:32:16 10 Q. As you said, it was a hobby of yours to try to have fast  
13:32:24 11 race horses.

13:32:32 12 A. Correct.

13:32:33 13 Q. And when you were endeavoring in this hobby of being known  
13:32:41 14 as a person who knew a lot about and who was developing good  
13:32:50 15 horses, you were not -- that was your private business or your  
13:32:59 16 private hobby; isn't that correct?

13:33:09 17 A. That's right.

13:33:21 18 Q. And did you have property somewhere that you were keeping  
13:33:24 19 your horses on?

13:33:31 20 A. That's right.

13:33:32 21 Q. And where was that?

13:33:33 22 A. Miguel Aleman, Mexico.

13:33:37 23 Q. And did that property belong to you?

13:33:41 24 A. That's right.

13:33:46 25 Q. And did you hire people to help you manage the horses and

13:33:50 1 help you train the horses?

13:33:58 2 A. Correct.

13:33:59 3 Q. And in the process of building up to, I believe you said,

13:34:04 4 250 horses, you got to know other people in the horse -- had the

13:34:11 5 interest in horses; isn't that correct?

13:34:23 6 A. Correct.

13:34:24 7 Q. That was truly an interest of yours, aside and apart from

13:34:31 8 your obligations as a member of Los Zetas?

13:34:49 9 A. Correct.

13:34:50 10 Q. In fact, you were interested in horses or had an avid

13:34:56 11 interest in horses for a long period of time, didn't you?

13:35:11 12 A. Correct.

13:35:11 13 Q. And when you ran into other people at either races or match

13:35:18 14 races, even -- well, when you ran into other people at the ranch

13:35:25 15 -- races in Mexico, you could talk to other people about your

13:35:30 16 knowledge of horses, correct?

13:35:45 17 A. Correct.

13:35:46 18 Q. But you didn't tell people, if you cross me, if you end up

13:35:56 19 competing with me on a horse race, I could have you killed. You

13:36:00 20 didn't tell people that, did you?

13:36:17 21 A. No.

13:36:19 22 Q. In fact, you set aside your obligations of being a hit man.

13:36:28 23 The other part of your life was you enjoyed horses and you got

13:36:33 24 good at it.

13:36:45 25 A. That's correct.

13:36:46 1 Q. And Miguel Angel Trevino, who was, I guess, your boss,  
13:36:57 2 developed an interest in horses after you did, didn't he?

13:37:01 3 A. That's right.

13:37:12 4 Q. And you've probably explained to Miguel Angel Trevino that  
13:37:23 5 the horse race business is very complicated; is that correct?

13:37:38 6 A. That's correct.

13:37:39 7 Q. When you were buying your horses and trying to develop a  
13:37:44 8 good breed line of horses, you believed it would be necessary to  
13:37:50 9 find experts in the field of bloodlines, and you asked him for  
13:37:57 10 advice; is that correct?

13:38:17 11 A. Yes.

13:38:18 12 Q. And we don't have the time for you to list all of the people  
13:38:23 13 that you met, along the way, that also had horses in hopes of  
13:38:32 14 developing a fast horse, but one of the people that you learned  
13:38:36 15 about was Francisco Colorado.

13:38:57 16 A. Yes.

13:38:58 17 Q. And you learned that he had a fascination with horses and  
13:39:04 18 had a lot of horses of his own that were very good; isn't that  
13:39:09 19 true?

13:39:21 20 A. That's correct.

13:39:23 21 Q. You knew him as a person who had a business that made a lot  
13:39:32 22 of money in the environmental remediation side of the oil  
13:39:40 23 business with Pemex. That's what you knew about Mr. Francisco  
13:39:48 24 Colorado in the beginning, correct?

13:40:05 25 A. No.

13:40:09 1 Q. You, over a period of time, you realized Miguel Angel  
13:40:16 2 Trevino was going to start having horses like you had. Did you  
13:40:23 3 have a conversation with Miguel Angel Trevino about him having  
13:40:27 4 horses and you having horses that would be competing with him?

13:40:53 5 A. That's logical, but I never had that conversation with him.

13:41:03 6 Q. Did you have horses that were faster than Miguel Trevino's  
13:41:07 7 horses?

13:41:16 8 A. In Mexico.

13:41:17 9 Q. Yes. In fact, most of your business with the horses, your  
13:41:25 10 hobby with the horses was in Mexico, correct?

13:41:41 11 A. In Mexico. And I also ran horses in the United States.

13:41:46 12 Q. And who -- you didn't go to the United States yourself to  
13:41:50 13 the races, did you?

13:41:57 14 A. No. I watched them on TV.

13:42:00 15 Q. Okay. And did you have somebody else take your horses, have  
13:42:06 16 them run in the United States?

13:42:13 17 A. That's correct.

13:42:15 18 Q. And that, once again, was part of your hobby was to hope  
13:42:21 19 that your horse would run and win a race in the United States.

13:42:35 20 A. Of course.

13:42:36 21 Q. So when did the split happen between your horses -- well,  
13:42:43 22 strike that.

13:42:44 23 The horses that you were buying and selling and  
13:42:49 24 training and running a few of them in the United States, those  
13:42:54 25 were separate and apart from Miguel Trevino's horses; is that

13:42:58 1 correct?

13:43:11 2 A. That's correct.

13:43:14 3 Q. Now, we spoke -- did you ever own any horses with Miguel  
13:43:20 4 Trevino?

13:43:32 5 A. Yes.

13:43:33 6 Q. And did he buy horses from you, or did you sell horses to  
13:43:38 7 him, or did you buy them together?

13:43:40 8 A. Horses were bought by the same people.

13:43:59 9 Q. So you were using the same person that Miguel was using to  
13:44:03 10 buy the horses?

13:44:10 11 A. That's correct.

13:44:13 12 Q. But you tried to keep an accounting as to which horses were  
13:44:16 13 yours and which horses were Miguel's?

13:44:26 14 A. That's correct.

13:44:29 15 Q. I want to go back, just a moment, to the law enforcement  
13:44:38 16 officers in the United States that you were involved in in one of  
13:44:48 17 them being murdered, we talked about right before lunch. That  
13:44:55 18 was in -- outside of San Luis Potosi, wasn't it?

13:45:15 19 A. That's correct.

13:45:16 20 Q. And was that area, San Luis Potosi, was that an area that  
13:45:22 21 you had some sort of control over?

13:45:39 22 A. When that occurred, no.

13:45:43 23 Q. And this is the incident that some of us had heard about  
13:45:50 24 where two ICE agents --

13:45:55 25 MR. GARDNER: Your Honor, we object to the form of the



13:45:57 1 question. It's not a question.

13:45:59 2 MR. DEGEURIN: I haven't finished.

13:46:00 3 THE COURT: Let's try --

13:46:01 4 MR. DEGEURIN: Sometimes the inflection at the end  
13:46:04 5 makes it a question and I don't have to end it with a "right" or  
13:46:08 6 something at the end and so --

13:46:11 7 THE COURT: Well, you're starting to testify, counsel.  
13:46:15 8 That's the problem. Just ask questions.

13:46:18 9 Q. (BY MR. DEGEURIN) Was this the incident that where two  
13:46:24 10 agents were in a car on the highway and Zetas stopped them,  
13:46:34 11 killed one and wounded the other in the car?

13:46:53 12 A. I don't understand your question.

13:46:55 13 Q. Was the incident that you were referring to that you were  
13:46:59 14 involved in the killing of U.S. law enforcement officers, is that  
13:47:05 15 the same incident or a different one than the one where the two  
13:47:12 16 ICE agents where one was killed and one was wounded in a car  
13:47:16 17 outside of San Luis -- in the state of San Luis Potosi?

13:47:47 18 A. That I remember? I've never testified that I've been  
13:47:50 19 involved in the death of two agents.

13:47:52 20 Q. But you know the incident I'm talking about, don't you?

13:48:00 21 A. Correct.

13:48:01 22 Q. And you were questioned about those -- that murder and that  
13:48:06 23 attempted murder, weren't you?

13:48:18 24 A. That's correct.

13:48:20 25 Q. And you were questioned about that by law enforcement

13:48:24 1 officers of the United States, weren't you?

13:48:32 2 A. That's correct.

13:48:33 3 Q. And you knew that those agents were -- one was murdered and  
13:48:38 4 one was wounded by members of the Los Zetas organization?

13:48:52 5 A. That's correct.

13:48:56 6 Q. And, of course, you were a member of Los Zetas at the time,  
13:49:04 7 weren't you?

13:49:05 8 A. That's correct.

13:49:09 9 Q. Have you been charged with that murder here in the United  
13:49:20 10 States?

13:49:20 11 A. No.

13:49:21 12 Q. And you're not going to be, are you?

13:49:26 13 A. No.

13:49:28 14 Q. And how did you explain it to the agents that you should not  
13:49:33 15 be charged with that murder?

13:49:48 16 A. I just told them what the facts were, what had happened.  
13:49:55 17 And they're the ones that do all the investigations, and they  
13:49:57 18 know if you're telling the truth or you're lying.

13:50:02 19 Q. So the truth is, your organization killed that one agent,  
13:50:08 20 the one that you were high up in the organization. You're not  
13:50:11 21 charged, though, with the murder?

13:50:27 22 A. That's correct.

13:50:30 23 Q. Were there any Mexican investigators, law enforcement  
13:50:39 24 investigators present when you told the United States  
13:50:47 25 investigators you were involved in over 30 murders in Mexico?

13:50:52 1 MR. GARDNER: Your Honor, at this point, I'm going to  
13:50:54 2 object to asked about answered. Mr. DeGeurin went over this  
13:50:58 3 before the lunch break. It's getting repetitive.

13:51:01 4 MR. DEGEURIN: I'm asking if there's any Mexican --

13:51:03 5 THE COURT: You can ask him that. He's been asked  
13:51:06 6 about it several times, but that question, that particular  
13:51:09 7 question had not.

13:51:26 8 A. No.

13:51:27 9 Q. (BY MR. DEGEURIN) Are you charged with murder in either the  
13:51:38 10 United States or your country of Mexico?

13:51:42 11 MR. GARDNER: Your Honor, we'd object to asked and  
13:51:44 12 answered.

13:51:44 13 THE COURT: And I sustain that objection. It's been  
13:51:47 14 asked and answered before twice.

13:51:50 15 Q. (BY MR. DEGEURIN) Do you have an agreement that your  
13:51:52 16 confessions to these murders in the United States will not be  
13:51:55 17 given to the Mexican government?

13:52:04 18 THE COURT: What murders in the United States are you  
13:52:06 19 referring to?

13:52:07 20 MR. DEGEURIN: Do you have an agreement with the United  
13:52:11 21 States that the information about the murders in Mexico will not  
13:52:15 22 be given?

13:52:15 23 THE COURT: Then I suggest you ask that question.

13:52:17 24 Q. (BY MR. DEGEURIN) Let me restate it.

13:52:21 25 Do you have an agreement with the United States that

13:52:28 1 the murders in Mexico that you had told them about, that that  
13:52:34 2 information will not be given to the Mexican government?

13:52:58 3 A. No.

13:52:59 4 Q. Do you have an agreement -- what's your understanding of  
13:53:04 5 what will happen to you when you're through testifying in the  
13:53:21 6 United States?

13:53:21 7 A. I'm going to be sentenced and I don't know what's going to  
13:53:30 8 happen.

13:53:34 9 Q. What is your understanding is going to happen when you're  
13:53:38 10 through here, whether or not you go back to Mexico?

13:53:46 11 MR. GARDNER: Your Honor, I'm going to object that's  
13:53:48 12 been asked and answered by Ms. Williams. It's the same questions  
13:53:50 13 she asked.

13:53:51 14 THE COURT: It is the same exact question --

13:53:53 15 MR. DEGEURIN: Well, if it is, then I'll withdraw it.

13:53:54 16 THE COURT: -- by a different lawyer. No. I'll let  
13:53:56 17 you proceed.

13:53:58 18 MR. DEGEURIN: I didn't get a clear answer in my own  
13:54:00 19 head what was asked before.

13:54:01 20 THE COURT: All right.

13:54:04 21 Q. (BY MR. DEGEURIN) Let me put it differently. What is your  
13:54:07 22 hopes with regard to whether or not you're sent back to Mexico to  
13:54:12 23 answer for the 30 or more murders?

13:54:43 24 A. I don't know that they're going to send the information to  
13:54:51 25 Mexico about those 30 homicides. That's not what I'm charged

13:54:56 1 with in Mexico.

13:54:57 2 Q. That's not what?

13:54:58 3 A. It's not what I'm charged with in Mexico.

13:55:04 4 Q. Is it true that you, yourself, individually -- I'm talking  
13:55:18 5 about you, maybe your family -- made about \$50 million in your  
13:55:26 6 Zeta business? You, yourself?

13:55:43 7 A. That's correct.

13:55:45 8 Q. And of that \$50 million that you made, where is it today?

13:56:05 9 A. It's part of the war, some took -- had got some of that  
13:56:10 10 money, and that's how it went.

13:56:12 11 Q. I'm sorry. Who got the money?

13:56:15 12 A. Some of the money was by the people who had the merchandise.  
13:56:38 13 Some of it was taken from the businesses I had. Some of it from  
13:56:42 14 cocaine. So some of it was to -- went to those people and some  
13:56:46 15 of it, I kept.

13:56:47 16 Q. Okay. So how much did you in the end, after all is said and  
13:56:53 17 done, how much did you keep?

13:57:03 18 A. I don't know. Maybe two million, three million. Don't  
13:57:07 19 know. I never did an accounting.

13:57:09 20 Q. And where is that two or three million now?

13:57:19 21 A. Put away in a safe.

13:57:23 22 Q. And did you tell the government about where you put that  
13:57:27 23 money away?

13:57:32 24 A. Yes.

13:57:33 25 Q. To your knowledge, do you still have that money stashed

13:57:40 1 away?

13:57:46 2 A. Yes.

13:57:47 3 Q. Do you mind telling me where it is?

13:58:00 4 A. I don't have a reason to tell you where that money is.

13:58:05 5 Q. I didn't mean that I was going to go get it myself.

13:58:11 6 THE COURT: Let's stay with questions.

13:58:29 7 Q. (BY MR. DEGEURIN) I don't suspect that you want to dwell on  
13:58:37 8 it, but before these people were murdered, were they tortured you  
13:58:42 9 were involved with?

13:59:00 10 A. Before the agents were killed? I don't understand.

13:59:03 11 Q. No. I'm talking about the other 30 or more people.

13:59:14 12 A. Some.

13:59:18 13 Q. And were you physically present when they were being  
13:59:23 14 tortured?

13:59:24 15 A. That's correct.

13:59:30 16 Q. Both women and children -- women and men?

13:59:41 17 A. No. All men.

13:59:44 18 Q. Were some women killed?

13:59:50 19 A. Yes.

14:00:05 20 Q. One moment. To clear up something that has come up in the  
14:00:37 21 court, could be confusing to some. I'm going to ask you, is  
14:00:44 22 there a Comandante Carlitos that's not the same person as Carlos  
14:01:08 23 Nayan?

14:01:08 24 A. That's correct.

14:01:12 25 Q. So each time that we see the word or name Carlitos, it could

14:01:17 1 be either Carlitos, the one -- Carlos Nayen or it could be the  
14:01:23 2 other Carlitos?

14:01:36 3 A. Are you talking about when you see it written down regarding  
14:01:39 4 the horses?

14:01:39 5 Q. Well, didn't Carlitos, Comandante Carlitos also have horses?

14:01:55 6 A. He did have horses.

14:01:58 7 Q. Now, Carlos Nayen is a person you knew to have a particular  
14:02:07 8 expertise in horses; is that correct?

14:02:21 9 A. That's correct.

14:02:23 10 Q. Was he pretty well-known among people in the horse circles  
14:02:28 11 as having that expertise in Mexico?

14:02:41 12 A. Can you repeat that question again, please?

14:02:43 13 Q. Was he well-known in Mexico as having that expertise among  
14:02:46 14 people that were involved in horses, quarter horses?

14:03:03 15 A. Yes.

14:03:04 16 Q. And did Mr. Nayen manage horses for -- well, strike that.  
14:03:19 17 I'm sorry.

14:03:20 18 Did Nayen manage any of your horses?

14:03:31 19 A. Yes.

14:03:32 20 Q. Those are your private horses, correct?

14:03:39 21 A. That's correct.

14:03:40 22 Q. And did Mr. Nayen have horses of his own?

14:03:48 23 A. Yes.

14:03:49 24 Q. And he also managed some horses that Miguel Trevino had.

14:04:04 25 A. That's correct.

14:04:11 1 Q. Ramiro Villarreal was the person you identified the  
14:04:55 2 photograph of. Was that person a businessman who had horses as a  
14:05:03 3 hobby, or was he only a horse person?

14:05:34 4 A. He was dedicated to horses and he had one or two horses.

14:05:40 5 Q. Of his own?

14:05:41 6 A. Yes.

14:05:47 7 Q. Did Mr. Villarreal help you in your horse business?

14:05:58 8 A. He bought horses.

14:05:59 9 Q. For you or helped you buy them?

14:06:06 10 A. He would help buy them for me.

14:06:09 11 Q. Once again, those were horses that were not part of Miguel  
14:06:13 12 Trevino's horses, correct?

14:06:20 13 A. No.

14:06:20 14 Q. Thank you. Thank you for your patience, Judge. I have no  
14:06:30 15 further questions.

14:06:31 16 THE COURT: Mr. Womack.

14:06:32 17 MR. WOMACK: No questions, your Honor.

14:06:34 18 THE COURT: Mr. Esper.

14:06:36 19 MR. ESPER: Yes, your Honor.

14:06:38 20 CROSS-EXAMINATION

14:06:38 21 BY MR. ESPER:

14:06:43 22 Q. Mr. Rejon, you said that Miguel Trevino had Ramiro  
14:06:51 23 Villarreal killed, but made it look like it was an accident,  
14:06:55 24 correct?

14:07:03 25 A. That's correct.



14:07:04 1 Q. And do you know -- and if you don't, simply say so -- why he  
14:07:09 2 had him killed?

14:07:20 3 A. Because he knew all of his business.

14:07:22 4 Q. Okay. You and Miguel and Omar Trevino, whenever you would  
14:07:31 5 buy horses in the United States, you would use Ramiro Villarreal  
14:07:34 6 to buy the horses, correct?

14:07:46 7 A. That's correct.

14:07:48 8 Q. And the reason you had him buy the horses was because you  
14:07:54 9 didn't want people in the United States knowing that you, Miguel  
14:08:00 10 Trevino, or Omar Trevino were the real owners, right?

14:08:19 11 A. That's correct.

14:08:20 12 Q. Okay. So whenever you said Tempting Dash was owned by  
14:08:25 13 Ramiro Villarreal, but he wasn't the real owner, nobody knew that  
14:08:31 14 other than Miguel Trevino, Omar Trevino, and you. That's right,  
14:08:37 15 correct?

14:08:56 16 A. Other people knew.

14:08:57 17 Q. When you say other people, people in Mexico knew, correct?

14:09:07 18 A. That's correct.

14:09:08 19 Q. You didn't want and Miguel Trevino didn't want people in the  
14:09:13 20 United States knowing that he was the real owner of that horse or  
14:09:17 21 that you were owners of certain horses, correct?

14:09:39 22 A. Except the trainers and the people that take care of the  
14:09:41 23 horse, they know who the horses belong to.

14:09:44 24 Q. Okay. And how do you know who they -- how do you know that?  
14:09:48 25 Did one of the trainers tell you that?

14:10:10 1 A. One of them. One of them that's always with the horses,  
14:10:13 2 trains the horses, Carlos Nayen, he knew the horses were Miguel  
14:10:20 3 Angel Morales-Trevino's.

14:10:22 4 Q. Okay. Carlos Nayen knew that Miguel Trevino was the owner  
14:10:26 5 of those horses, correct?

14:10:33 6 A. That's correct.

14:10:33 7 Q. You've never met "Chevo" Huitron, have you?

14:10:38 8 A. Never.

14:10:39 9 Q. And you've never seen him with Miguel Trevino or Omar  
14:10:43 10 Trevino, have you?

14:10:49 11 A. That's correct.

14:10:50 12 Q. And whenever Miguel Trevino or Omar Trevino told you that  
14:10:56 13 "Chevo" Huitron trained their horses, that's what they're saying,  
14:11:00 14 correct?

14:11:10 15 A. That's right.

14:11:12 16 Q. And those are the same horses that are owned or bought by  
14:11:18 17 Ramiro Villarreal, right?

14:11:33 18 A. Ramiro Villarreal bought them. He wasn't the owner, but he  
14:11:39 19 bought them.

14:11:40 20 Q. You knew and Miguel Trevino and Omar Trevino knew Ramiro  
14:11:46 21 Villarreal was not the owner, but people in the United States  
14:11:51 22 didn't know that?

14:11:52 23 MR. GARDNER: Your Honor, I'm going to object to the  
14:11:54 24 form of that question.

14:12:09 25 A. No.

14:12:11 1 Q. (BY MR. ESPER) Okay. And when Miguel Trevino suspected  
14:12:17 2 Ramiro Villarreal of cooperating with the government, he was  
14:12:19 3 afraid that Ramiro Villarreal was going to start telling people  
14:12:24 4 in the United States about everything that he was buying here,  
14:12:33 5 correct?

14:12:48 6 A. I don't know if he was cooperating, but he did know  
14:12:59 7 everything about his businesses. He knew about the horses, about  
14:13:02 8 what he was buying here, and the other things he had.

14:13:04 9 Q. He was afraid -- and he told you this -- that he didn't want  
14:13:09 10 Ramiro Villarreal bringing him down by telling -- because he knew  
14:13:13 11 so much about his horses?

14:13:30 12 A. That's right.

14:13:33 13 Q. Now, since you were arrested about a few months after Ramiro  
14:13:41 14 Villarreal was killed, although it made it look like an accident,  
14:13:46 15 correct?

14:13:58 16 A. That's correct.

14:13:59 17 Q. May I have just one moment, your Honor?

14:14:06 18 THE COURT: You may.

14:14:09 19 Q. (BY MR. ESPER) Whenever -- you said that Miguel Trevino and  
14:14:14 20 Omar Trevino, they mentioned "Chevo" Huitron as being a horse  
14:14:19 21 trainer, right?

14:14:30 22 A. That's right.

14:14:31 23 Q. And they never told you that they suspected him of being  
14:14:36 24 involved in illegal activity, did they?

14:14:48 25 A. That's right.

14:14:48 1 Q. That's all I have. Thank you.

14:14:52 2 THE COURT: Mr. Mayr?

14:14:54 3 MR. MAYR: Your Honor, I have no questions for this  
14:14:56 4 witness.

14:14:57 5 THE COURT: Redirect?

14:14:59 6 MR. GARDNER: May I have one moment, your Honor?

14:15:01 7 THE COURT: Yes.

14:15:14 8 RE-DIRECT EXAMINATION

14:15:14 9 BY MR. GARDNER:

14:15:17 10 Q. Mr. Rejon, I'm going to show you Government's Exhibit 426.

14:15:22 11 It's part of a document that Mr. DeGeurin showed you earlier. Do  
14:15:25 12 you recognize that page, page 4?

14:15:28 13 A. Yes.

14:15:40 14 Q. Now, this document's in English, but is that your signature  
14:15:44 15 here on page 3?

14:15:50 16 A. That's correct.

14:15:50 17 Q. Is this the signature of your attorney?

14:15:55 18 A. That's correct.

14:15:56 19 Q. Does your attorney speak Spanish?

14:15:58 20 A. That's correct.

14:16:00 21 Q. And did he explain this entire document to you?

14:16:05 22 A. That's correct.

14:16:06 23 Q. And it also has a signature of the U.S. Attorneys in the  
14:16:11 24 Washington, D.C. area, correct?

14:16:19 25 A. Yes.

14:16:20 1 Q. Your Honor, we offer Government's Exhibit 426. It's the  
14:16:23 2 proffer letter signed by the U.S. government and Mr. Rejon.

14:16:30 3 MR. DEGEURIN: May I see? I don't have an objection,  
14:17:09 4 Judge.

14:17:12 5 THE COURT: 426 is received.

14:17:16 6 Q. (BY MR. GARDNER) Now, Mr. Rejon, Mr. DeGeurin asked you  
14:17:19 7 whether or not you were a brujo. Do you remember that question?

14:17:30 8 A. Yes.

14:17:31 9 Q. What religion do you practice?

14:17:39 10 A. I practice Yoruba.

14:17:41 11 Q. If you will, could you briefly tell the jury what that  
14:17:44 12 religion consists of?

14:17:51 13 A. It's a Lucumi faith that comes from Africa. It came through  
14:18:12 14 Cuba with the slaves, and it incorporated or took parts from the  
14:18:27 15 Catholic -- Roman Catholic faith. It's also known as santeria.

14:18:34 16 Q. And does part of your religious practice include animal  
14:18:38 17 sacrifices for various reasons?

14:18:46 18 A. That's correct.

14:18:48 19 Q. Would you ever see "Pancho" Colorado with any cigars?

14:18:53 20 MR. DEGEURIN: Excuse me, I didn't hear that, and I  
14:18:55 21 think I have an objection.

14:19:01 22 MR. GARDNER: Asked him if he ever saw "Pancho"  
14:19:03 23 Colorado with any cigars.

14:19:06 24 MR. DEGEURIN: I'll withdraw the objection.

14:19:11 25 Q. (BY MR. GARDNER) You may answer that question.

14:19:17 1 A. That's right.

14:19:18 2 Q. Would "Pancho" Colorado ever give you any cigars?

14:19:24 3 A. That's right.

14:19:25 4 Q. And why would he give you cigars?

14:19:28 5 MR. DEGEURIN: Excuse me, your Honor, I'm going to  
14:19:30 6 object to trying to limit -- all the rules limit to the response  
14:19:35 7 to cross.

14:19:35 8 THE COURT: Pardon?

14:19:39 9 MR. DEGEURIN: It's going beyond -- the way I would be  
14:19:43 10 limited if I'm trying to go beyond what he's asking.

14:19:46 11 THE COURT: Well, I understand the rules, but I also  
14:19:50 12 heard a lot of questions. I'll overrule it. He may answer and  
14:19:55 13 you may respond.

14:20:00 14 Q. (BY MR. GARDNER) I'm sorry. And why would he give you  
14:20:02 15 cigars?

14:20:06 16 A. Because of my faith.

14:20:08 17 Q. Did you ever perform the santeria ritual at the request of  
14:20:12 18 "Pancho" Colorado?

14:20:31 19 A. I didn't, but I sent people to do a cleansing or an Ebo is  
14:20:38 20 what we call it.

14:20:39 21 Q. And that was at the request of "Pancho" Colorado?

14:20:42 22 A. That's correct.

14:20:44 23 Q. And one question I forgot to ask you. How much does Banda  
14:20:51 24 El Recodo cost you to hire?

14:21:00 25 A. For some hours, \$250,000.

14:21:09 1 Q. That's all I have, your Honor.

14:21:16 2 MS. WILLIAMS: No further questions.

14:21:19 3 RE-CROSS EXAMINATION

14:21:19 4 BY MR. DEGEURIN:

14:21:29 5 Q. I'm not familiar with that religion, but does it justify  
14:21:36 6 killing other human beings?

14:21:45 7 A. No.

14:21:47 8 Q. Okay. I pass the witness.

14:21:52 9 MR. WOMACK: No questions.

14:21:53 10 THE COURT: Mr. Esper.

14:21:53 11 MR. ESPER: No, your Honor, I don't have any.

14:21:55 12 THE COURT: Mr. Mayr.

14:21:56 13 MR. MAYR: No.

14:21:57 14 MR. GARDNER: I have nothing further, your Honor.

14:21:58 15 THE COURT: May the witness be excused, counsel?

14:22:01 16 MR. FINN: Judge, subject to recall, please.

14:22:03 17 MR. DEGEURIN: You know, we've still got that issue  
14:22:08 18 lingering with the -- other than that.

14:22:12 19 THE COURT: Well, I have an idea we know where he's  
14:22:15 20 going to be. Excuse the witness.

14:22:40 21 MR. GARDNER: Your Honor, the government would call  
14:22:42 22 Tyler Graham.

14:23:14 23 (Witness sworn.)

14:23:27 24 THE COURT: Tell us your full name and spell your last  
14:23:33 25 name, please.

14:23:34 1 THE WITNESS: Tyler David Graham, G-R-A-H-A-M.

14:23:38 2 TYLER D. GRAHAM, called by the Government, duly sworn.

14:23:38 3 DIRECT EXAMINATION

14:23:38 4 BY MR. GARDNER:

14:23:39 5 Q. Thank you, your Honor.

14:23:40 6 Good afternoon, Mr. Graham. You and I have met before.

14:23:43 7 Could you please introduce yourself to the jury? Tell them how  
14:23:45 8 old you are, and what you do for a living, please.

14:23:48 9 A. Tyler Graham, 29 years old. Manage Southwest Stallion  
14:23:54 10 Station in Elgin, Texas, quarter horse breeding farm.

14:23:58 11 Q. And what is Southwest Stallion Station?

14:24:03 12 A. It's reproductive facility where we mainly breed racing  
14:24:06 13 quarter horses, manage stallions and mares.

14:24:09 14 Q. And how long have it been around?

14:24:10 15 A. Since the early '60s.

14:24:14 16 Q. And who founded Southwest Stallion Station?

14:24:17 17 A. My grandfather, Dr. Charles Graham, founded the operation.

14:24:21 18 Q. And your grandfather's still alive?

14:24:23 19 A. Yes, sir.

14:24:23 20 Q. If you will, could you tell the jury about how you gather,  
14:24:32 21 obtain new clientele?

14:24:34 22 A. I mean, on the stallion end, we, you know, recruit race  
14:24:38 23 horses or stallion prospects just like you recruit an athlete. I  
14:24:42 24 mean, we see young stallion prospects, and we, you know, we  
14:24:48 25 recruit their owners or, you know, the people that are managing



14:24:51 1 the horses, just like you recruit an athlete, pretty much to come  
14:24:56 2 to the farm to breed.

14:24:57 3 Q. And that's to extract their semen for breeding purposes?

14:25:01 4 A. Yes, sir.

14:25:01 5 Q. And I know the jury's heard some of that already with  
14:25:04 6 respect to Corona Cartel and First Down Dash. But approximately  
14:25:08 7 how many topflight breeding operations are there in the United  
14:25:13 8 States?

14:25:13 9 A. I would say across the country, in the quarter horse  
14:25:17 10 breeding operation, there's probably 12 to 15 large operations.

14:25:21 11 Q. And would you consider Southwest Stallion Station one of  
14:25:25 12 those?

14:25:25 13 A. Yes, sir.

14:25:26 14 Q. Now, how do you get paid personally?

14:25:30 15 A. Just on a salary through Southwest Stallion Station.

14:25:34 16 Q. Do you get any share of the profits?

14:25:37 17 A. No, sir.

14:25:37 18 Q. And who gets most of the profits of that operation?

14:25:41 19 A. My grandfather and his wife Nancy.

14:25:43 20 Q. Have you heard of a horse called Tempting Dash?

14:25:55 21 A. Yes, sir.

14:25:55 22 Q. Where's Tempting Dash today?

14:26:00 23 A. He's in Elgin right now, at Southwest Stallion Station.

14:26:02 24 Q. And is there any particular reason he's still at Southwest  
14:26:05 25 Stallion Station?

14:26:05 1 A. Yes, sir. We're still currently breeding him as -- it's  
14:26:09 2 breeding season right now. This is our third year of standing  
14:26:11 3 for a full breeding season.

14:26:12 4 Q. Can Tempting Dash be moved?

14:26:15 5 A. He could be moved. Yes, sir.

14:26:17 6 Q. Okay. Does he currently have a disease?

14:26:19 7 A. Yes, sir. He's currently infected with piroplasmosis, which  
14:26:24 8 is a foreign-born blood disease.

14:26:26 9 Q. And so, what's the danger of having a horse with  
14:26:28 10 piroplasmosis?

14:26:31 11 A. The danger is, I mean, it could be transmitted to other  
14:26:36 12 horses through ticks mainly or through -- it's a  
14:26:43 13 blood-transferred disease; so it could be transferred through a  
14:26:46 14 tick, or through a needle, or some form like that.

14:26:49 15 Q. Was there any danger of transferring that disease based on  
14:26:53 16 the breeding operation?

14:26:54 17 A. Under our current setup, we have him under quarantine  
14:26:59 18 facilities in his own barn under the regulation of the Texas  
14:27:03 19 Animal Health Commission. We haven't seen it as a problem. So  
14:27:06 20 far, we've had him for going on three years, I guess now.

14:27:10 21 Q. And are you operating that horse on a contract with the  
14:27:14 22 United States government?

14:27:14 23 A. Yes, sir.

14:27:16 24 Q. Based on the U.S. government seizure of that horse?

14:27:18 25 A. Yes, sir.

14:27:18 1 Q. What do you know about how that horse was purchased?

14:27:23 2 A. My knowledge that the horse was purchased originally in

14:27:27 3 California at a sale when he was a weanling. Ramiro Villarreal

14:27:35 4 purchased him originally to my knowledge.

14:27:38 5 Q. And do you know Ramiro Villarreal?

14:27:41 6 A. Yes, sir.

14:27:42 7 Q. And how do you know him?

14:27:43 8 A. I've just known him through the horse business. He's been a

14:27:46 9 horse agent or was a horse agent for, I don't know, many years --

14:27:52 10 several years. I've known him probably for -- or knew him for, I

14:27:56 11 don't know, probably six or eight years.

14:27:58 12 Q. And how did you come to be aware of Tempting Dash as a horse

14:28:04 13 for the purposes of your breeding operation?

14:28:06 14 A. I became aware of Tempting Dash initially before it ran in

14:28:11 15 the Dash For Cash Futurity in 2009, when he came -- when he came

14:28:16 16 across from Mexico and he had ran in the futurity down there and

14:28:20 17 ran well. And so, he came across to run up here in the fall

14:28:24 18 futurities at Lone Star Park. And I knew Eusevio Huitron, who

14:28:30 19 trained him, and he had told me, you know, about him coming

14:28:32 20 across and that, you know, it looked like a prospect. I mean, we

14:28:35 21 talked about the horses that came across the border often.

14:28:37 22 Q. And you know Eusevio is "Chevo" Huitron?

14:28:39 23 A. Yes, sir.

14:28:40 24 Q. And so, did you keep track of those horse as it was running?

14:28:47 25 A. Yes, sir.

14:28:47 1 Q. And were you aware that it won the Dash For Cash Futurity?

14:28:50 2 A. Yes, sir.

14:28:51 3 Q. I'm going to show you Government's Exhibit 11F. And that's  
14:28:58 4 the Dash For Cash Futurity on October 24, 2009?

14:29:01 5 A. Yes, sir.

14:29:01 6 Q. So when I'm talking Dash For Cash Futurity, what type of  
14:29:41 7 horses am I talking about in terms of years?

14:29:44 8 A. Two-year-old horses.

14:29:48 9 Q. I'm showing you JT-9. When I'm talking a derby.

14:29:57 10 A. Those would be three-years-olds.

14:29:58 11 Q. Does the Dash For Cash Futurity run the same date as the  
14:30:01 12 Dash For Cash Derby?

14:30:03 13 A. Yes, sir. Typically.

14:30:04 14 Q. So if I'm talking derby, I'm talking a three-year-old horse?

14:30:07 15 A. Yes, sir.

14:30:12 16 Q. So who introduced you to the owner of Tempting Dash?

14:30:16 17 A. Eusevio Huitron.

14:30:18 18 Q. And who was identified to you as the owner?

14:30:21 19 A. Well, initially, the first time after the Dash For Cash  
14:30:25 20 Futurity trial, I met Rodolfo Trevino. That was the initial  
14:30:33 21 person that "Chevo" made it seem like was the owner of the horse.

14:30:37 22 Q. And did you talk to Rodolfo Trevino?

14:30:39 23 A. Yes, sir.

14:30:39 24 Q. And did you come to know, at some later date, who Rodolfo  
14:30:44 25 Trevino was related to?

14:30:45 1 A. Yes, sir.

14:30:45 2 Q. And who was that?

14:30:46 3 A. Jose Trevino and his other brothers in Mexico.

14:30:52 4 Q. And did you begin to, I'll use the term, "court" the owner  
14:30:58 5 of Tempting Dash for your breeding purposes?

14:31:00 6 A. Yes, sir.

14:31:01 7 Q. I'm showing you Government's Exhibit 176, taken by  
14:31:08 8 agreement, stipulation from Dallas, Texas. Do you recognize that  
14:31:12 9 photo, sir?

14:31:13 10 A. Yes, sir.

14:31:14 11 Q. And are you in that photo?

14:31:15 12 A. Yes, sir.

14:31:16 13 Q. And who else is in that photo?

14:31:18 14 A. It's me, it's Jose Trevino, it's Jose's son, it's Adrian  
14:31:25 15 Huitron, "Chevo's" oldest son, and two hunting guys.

14:31:29 16 Q. Your Honor, I'll offer Government's Exhibit 176 for  
14:31:32 17 relevance objection.

14:31:45 18 MR. ESPER: I would object on relevancy, your Honor. I  
14:31:47 19 don't know what it's for.

14:31:48 20 THE COURT: I didn't hear you.

14:31:49 21 MR. ESPER: I would object on relevancy. It's some  
14:31:53 22 guys going hunting.

14:32:10 23 THE COURT: Well, I'll sustain the objection at this  
14:32:12 24 point.

14:32:14 25 Q. (BY MR. GARDNER) Is this photo part of the way you were

14:32:19 1 courting the owner of Tempting Dash for your breeding operations?

14:32:23 2 A. Yes, sir.

14:32:23 3 Q. And where did this hunt occur?

14:32:25 4 A. It was in South Texas on the Eshleman boat ranch near  
14:32:30 5 Pearsall.

14:32:30 6 Q. And what kind of hunting was it?

14:32:32 7 A. It was a whitetail deer hunt.

14:32:34 8 Q. And at that point, had you signed up Jose Trevino or Rodolfo  
14:32:37 9 Trevino for your breeding operations?

14:32:39 10 A. No, sir. At that point, we were still just, I mean --

14:32:42 11 MS. WILLIAMS: Objection. Nonresponsive.

14:32:45 12 Q. (BY MR. GARDNER) At that point, did you sign up Jose Trevino  
14:32:47 13 or Rodolfo Trevino for your breeding operations?

14:32:50 14 A. No, sir.

14:32:51 15 Q. What were you doing at that point?

14:32:52 16 A. At that point, we were still just, you know, kind of, you  
14:32:57 17 know, pushing -- or not pushing but, you know, courting the  
14:33:00 18 horse. You know, at that point the horse was still a race horse.  
14:33:04 19 At that point, it was -- it wasn't retired for breeding.

14:33:07 20 MS. WILLIAMS: I'll object at this point to the  
14:33:10 21 narrative answer of this witness.

14:33:12 22 THE COURT: Well, ask your next question.

14:33:14 23 MR. GARDNER: Your Honor, I'll offer 176, again, at  
14:33:17 24 this point.

14:33:21 25 MR. ESPER: Same objection, your Honor.

14:33:23 1 THE COURT: Same.

14:33:26 2 MR. GARDNER: Thank, Judge.

14:33:27 3 Q. (BY MR. GARDNER) Now, when were you first introduced to Jose  
14:33:30 4 Trevino?

14:33:30 5 A. I was first introduced to him in the fall of 2009.

14:33:36 6 Q. And who introduced you to him?

14:33:37 7 A. Eusevio.

14:33:39 8 Q. "Chevo" Huitron?

14:33:41 9 A. Yes, sir.

14:33:42 10 Q. And do you know where he lived?

14:33:43 11 A. Eusevio?

14:33:44 12 Q. No. Jose Trevino.

14:33:46 13 A. Yes, sir. At that time he told me he lived in Balch  
14:33:49 14 Springs, Texas.

14:33:50 15 Q. And is that in the Dallas region?

14:33:54 16 A. Yes, sir.

14:33:54 17 Q. At some point, were you approached by either Rudy, Rodolfo  
14:34:00 18 Trevino, or Jose Trevino to purchase additional horses for them?

14:34:03 19 A. Yes, sir.

14:34:03 20 Q. And who approached you?

14:34:05 21 A. Rudy.

14:34:07 22 Q. And what was your understanding of what they wanted you to  
14:34:10 23 do?

14:34:10 24 A. He came to me before the January 2011 -- I mean, I'm sorry,  
14:34:16 25 2010 Heritage sale to purchase a couple of mares and babies for

14:34:19 1 him.

14:34:20 2 Q. Were you provided what the jury by now knows are hip  
14:34:24 3 numbers?

14:34:24 4 A. Yes, sir.

14:34:24 5 Q. And when you saw those hip numbers, what was your reaction?

14:34:28 6 A. Well, my reaction to one of the hip numbers for Dashin  
14:34:32 7 Follies was that it was probably going to be the sale topper in  
14:34:34 8 the sale.

14:34:35 9 Q. Could you explain to the jury the significance of Dashin  
14:34:39 10 Follies?

14:34:39 11 A. Well, when that hip number was brought to my attention in  
14:34:44 12 that particular catalogue, it was pretty obvious that that was  
14:34:48 13 going to be the most expensive horse in the sale to people in our  
14:34:50 14 business. So, you know, even though I purchased horses like that  
14:34:57 15 before, knowing that she was probably going to be the sale  
14:35:00 16 topper, you're talking about a very expensive horse. So it was,  
14:35:04 17 you know, something. Somewhat surprising, I guess.

14:35:09 18 Q. And when you say she, Dashin Follies is a?

14:35:12 19 A. She's a brood mare.

14:35:15 20 Q. Now, you said Heritage Place. What is your relationship to  
14:35:18 21 Heritage Place?

14:35:19 22 A. My relationship is I sit on the board of Heritage Place.

14:35:24 23 Q. Do you get a salary from Heritage Place?

14:35:26 24 A. No, sir.

14:35:27 25 Q. Do you get any percentage of sales from Heritage Place?



14:35:30 1 A. No, sir.

14:35:30 2 Q. Do you get dividends?

14:35:33 3 A. No, sir.

14:35:33 4 Q. What benefit, if any, do you get from being on the board of  
14:35:37 5 directors of Heritage Place?

14:35:38 6 A. I'm just -- I'm basically on the board as a consultant.

14:35:43 7 Q. Consultant as to what type of areas?

14:35:47 8 A. Just the overall day-to-day operations, the management of  
14:35:50 9 the facility, management of the sales. I work with Jeff Tebow,  
14:35:54 10 the manager, on a year-round basis just for general management of  
14:36:01 11 the facility and the sales.

14:36:03 12 Q. Sir, going to the January of 2010 winter sale, were you --  
14:36:09 13 or was it your understanding you were acting as the agent to  
14:36:12 14 purchase Dashin Follies?

14:36:14 15 A. Yes, sir.

14:36:15 16 Q. And who else was present?

14:36:18 17 A. At the sale, Rudy was there, Jose was there.

14:36:22 18 Q. And what were your instructions?

14:36:25 19 A. My instructions were just specifically to --

14:36:27 20 MS. WILLIAMS: Objection. Hearsay.

14:36:31 21 MR. GARDNER: Coconspirator hearsay statement, your  
14:36:33 22 Honor.

14:36:33 23 THE COURT: Well, who? Who said what?

14:36:35 24 Q. (BY MR. GARDNER) Who gave instructions?

14:36:37 25 A. Rudy instructed me.

14:36:40 1 Q. And was Jose standing right next to him?

14:36:42 2 A. He was at the sale. Yes, sir.

14:36:44 3 Q. And what were you instructed?

14:36:46 4 THE COURT: The question was, was he right next to him  
14:36:48 5 when the instruction was given.

14:36:49 6 THE WITNESS: Yes, sir. They were there both together.

14:36:51 7 THE COURT: All right. The objection is overruled.

14:36:52 8 Q. (BY MR. GARDNER) And what were your instructions?

14:36:55 9 A. My instructions were just simply to buy Dashin Follies. I  
14:36:58 10 didn't have a specific price to go to.

14:37:02 11 Q. Just buy?

14:37:03 12 A. Yes, sir.

14:37:04 13 Q. And during the course of the auction, was either Rudy  
14:37:08 14 Trevino or Jose Trevino talking on Nextel phones?

14:37:10 15 A. Yes, sir. Rudy was.

14:37:12 16 Q. And do you know who they were talking to?

14:37:13 17 A. At the time I did not.

14:37:16 18 Q. Could you describe for the jury how people talk on Nextel?  
14:37:21 19 Is that up to your ear or is it --

14:37:23 20 A. It's pretty loud at the auction. So at that one, it was  
14:37:26 21 kind of back and forth from the mouthpiece to their ear. They  
14:37:30 22 weren't right -- standing right next to me at the auction. They  
14:37:33 23 were maybe ten feet away.

14:37:35 24 Q. All right. And was there a point later on when you came to  
14:37:38 25 recognize the voice that you heard during that particular

14:37:41 1 auction?

14:37:41 2 A. Yes, sir.

14:37:42 3 Q. And who was that?

14:37:43 4 A. Carlos Nayan.

14:37:47 5 Q. After they would speak to Carlos Nayan, would they take any  
14:37:51 6 specific action or give you any further instructions?

14:37:54 7 A. As far as buying Dashin Follies?

14:37:56 8 Q. Yes, sir.

14:37:57 9 A. They just basically -- you know, I was kind of asking them  
14:38:00 10 as we were going along buying the horse, we would --

14:38:02 11 MS. WILLIAMS: Your Honor, I'm going to object.

14:38:03 12 THE COURT: Just listen to the question and answer the  
14:38:06 13 question. Don't volunteer any information.

14:38:10 14 MR. GARDNER: Thank you, your Honor.

14:38:11 15 Q. (BY MR. GARDNER) Let's talk about the auction. Can you  
14:38:13 16 explain to the jury how the bidding went for Dashin Follies?

14:38:18 17 A. Yes, sir. The bidding started off, it went really quick.  
14:38:23 18 We were probably -- I don't know, probably got to 500,000 really  
14:38:27 19 quick, you know, going in \$25,000 increments. So, you know, the  
14:38:32 20 bidding got to 600, 650 really fast. It was about that point  
14:38:37 21 when I was just making sure we needed to keep going.

14:38:41 22 Q. And what indications or instructions were you getting from  
14:38:44 23 either Rudy Trevino or Jose Trevino?

14:38:48 24 A. Rudy was just kind of nodding to me, like saying, you know,  
14:38:50 25 keep going.

14:38:50 1 Q. And what did Dashin Follies eventually go for?

14:38:53 2 A. \$875,000.

14:38:57 3 Q. And did you submit the winning bid for that horse?

14:39:00 4 A. Yes, sir.

14:39:00 5 Q. Who was the second bidder?

14:39:04 6 A. To my knowledge, it was a family named the Mackeys.

14:39:09 7 Q. In your experience, is that horse worth \$850,000?

14:39:13 8 A. I didn't think at the time she would bring that much, but

14:39:17 9 yes, sir, I thought it was probably a legitimate price at the

14:39:22 10 time.

14:39:22 11 Q. And the Mackeys are a legitimate businessman and business,

14:39:27 12 right?

14:39:27 13 A. Yes, sir.

14:39:27 14 Q. What other horses were purchased at that sale at the

14:39:30 15 direction of either Rudy or Jose Trevino?

14:39:33 16 A. They also purchased --

14:39:34 17 MS. WILLIAMS: Excuse me, your Honor, I object to that

14:39:35 18 question as it's multifarious.

14:39:35 19 THE COURT: Well, read me back the question. I don't

14:39:48 20 think it was.

14:39:48 21 (Last question read back.)

14:39:53 22 THE COURT: Okay. Break it up. I think that's what

14:39:54 23 she wants.

14:39:54 24 Q. (BY MR. GARDNER) Were you given instructions to buy other

14:39:56 25 horses?

14:39:57 1 A. Yes, sir.

14:39:57 2 Q. By who?

14:39:58 3 A. Rudy Trevino.

14:40:00 4 Q. And what other horses did you purchase on behalf of Rudy

14:40:04 5 Trevino at that sale?

14:40:04 6 A. I bought, Coronita Cartel, another brood mare, and I bought

14:40:11 7 two weanlings.

14:40:12 8 Q. And do you recall how much Coronita Cartel went for?

14:40:15 9 A. \$250,000.

14:40:16 10 Q. And what about the weanlings?

14:40:19 11 A. I believe they were 20,000 apiece.

14:40:22 12 Q. Now, I've shown you a picture of the Dash For Cash. Are you

14:40:26 13 aware of the Texas Classic Race?

14:40:28 14 A. Yes, sir.

14:40:29 15 Q. Did that come before or after the Dash For Cash?

14:40:33 16 A. It's after the Dash For Cash.

14:40:34 17 Q. And on the Texas Classic of 2009, which horse won that race?

14:40:39 18 A. Tempting Dash.

14:40:41 19 Q. Do you know how much the winner's purse is for that horse?

14:40:44 20 A. It's typically around 400,000 or 400,000-plus to the winner.

14:40:54 21 Q. Winning purse of that race, would that have covered the cash

14:40:57 22 of Dashin Follies alone?

14:40:59 23 A. No, sir.

14:41:01 24 Q. Monday morning following the sale, do you know how that

14:41:05 25 horse was paid for?

14:41:06 1 A. Well, it was thought to that they were -- you know, they  
14:41:10 2 hadn't paid for it Monday morning after the sale.

14:41:13 3 MS. WILLIAMS: Objection. Nonresponsive.

14:41:16 4 THE COURT: Listen to the question and answer the  
14:41:19 5 question.

14:41:21 6 Q. (BY MR. GARDNER) Part of my question is "Yes" or "No," and  
14:41:24 7 then, I'll follow up after that.

14:41:25 8 So do you know how the horse was paid for on the Monday  
14:41:27 9 after the sale?

14:41:28 10 A. Yes, sir.

14:41:30 11 Q. Okay. How was the horse paid for with money after the sale?

14:41:34 12 A. Wire transfer began to come through.

14:41:37 13 Q. To you or to Heritage Place?

14:41:40 14 A. Straight to Heritage Place.

14:41:42 15 Q. And after the sale, where did Dashin Follies go?

14:41:46 16 A. She came to Stallion Station in Elgin.

14:41:50 17 Q. And who gave you directions to take Dashin Follies to  
14:41:53 18 Stallion Station?

14:41:54 19 A. Rudy Trevino.

14:41:56 20 Q. And after that horse arrived to your property, did Jose  
14:42:03 21 Trevino come to visit it?

14:42:04 22 A. Yes, sir. Rudy and Jose.

14:42:06 23 Q. And was anybody else with them?

14:42:07 24 A. Not at that time.

14:42:12 25 Q. And was there some point where you met an individual by the

14:42:15 1 name of Carlos Nayan?

14:42:16 2 A. Yes, sir. Later.

14:42:17 3 Q. And how later was that?

14:42:18 4 A. Within a week.

14:42:21 5 Q. And when did you first encounter Mr. Nayan?

14:42:24 6 A. He came to the ranch to look at Dashin Follies.

14:42:28 7 Q. Did he specifically ask you to look at Dashin Follies?

14:42:30 8 A. All four of the horses that we purchased.

14:42:32 9 Q. So in addition to Dashin Follies, you also took Coronita

14:42:36 10 Cartel and the two weanlings to Stallion Station?

14:42:39 11 A. Yes, sir.

14:42:40 12 Q. When he first arrived there, what discussions did you have

14:42:47 13 with Mr. Nayan regarding purchase of those horses?

14:42:53 14 A. At that point we just looked at the horses and, you know,

14:42:56 15 discussed how they were going to pay for them.

14:42:59 16 Q. And what did Mr. Nayan say with regards to paying for those

14:43:03 17 horses?

14:43:03 18 A. They initially talked about paying cash.

14:43:08 19 Q. And with respect to paying in cash, whose horse was that?

14:43:13 20 Or probably a better question is, who sold that horse at auction?

14:43:16 21 A. Mr. Pohl, Michael Pohl.

14:43:19 22 THE COURT: Pole, P-O-L-E?

14:43:22 23 THE WITNESS: Pohl, P-O-H-L, I believe.

14:43:25 24 Q. (BY MR. GARDNER) Did you convey that cash offer to Mr. Pohl?

14:43:28 25 A. Well, they would have had to go through Heritage Place,

14:43:30 1 anyway.

14:43:31 2 Q. Do you know if that cash offer was conveyed to Heritage  
14:43:36 3 Place?

14:43:36 4 A. Excuse me?

14:43:37 5 Q. Do you know if that cash offer was made to Heritage Place?

14:43:39 6 A. No, sir.

14:43:40 7 Q. And you said a number of wires started coming in. How soon  
14:43:48 8 after the sale did the wires start coming in to pay for that  
14:43:51 9 horse?

14:43:51 10 A. I believe the first wires came in within a week after the  
14:43:54 11 sale.

14:43:55 12 Q. Do you know --

14:43:56 13 A. It was pretty quick.

14:43:57 14 Q. Do you know an individual by the name of Alejandro Barradas?

14:44:02 15 A. I never met Mr. Barradas.

14:44:06 16 Q. Now, after this sale -- and, again, this was January of  
14:44:10 17 2010 -- were you visited by the FBI?

14:44:13 18 A. Yes, sir.

14:44:15 19 Q. And did the FBI ask you to provide them information with  
14:44:20 20 respect to this investigation?

14:44:23 21 A. At that point we just did a simple interview.

14:44:27 22 Q. And what was the interview consist of?

14:44:29 23 A. Just basically I interviewed regarding the purchases of the  
14:44:35 24 sale in January.

14:44:36 25 Q. Now, at some point were you contacted by Special Agent Scott



14:44:39 1 Lawson over here?

14:44:40 2 A. Yes, sir.

14:44:40 3 Q. And what was your understanding of your agreement with

14:44:45 4 Special Agent Lawson and the government?

14:44:48 5 A. My agreement was that we just -- they were informed on the,

14:44:58 6 you know, operations of the horse business that we had to do with

14:45:05 7 Mr. Trevino and Carlos and the group.

14:45:07 8 Q. So when you say informed, let's say an event occurred, any

14:45:13 9 event involving the horses that you knew about, what was your

14:45:15 10 responsibility to the FBI?

14:45:17 11 A. I didn't particularly have a responsibility. They just

14:45:20 12 called and we -- you know, it was just a, you know, regular

14:45:25 13 contact about the events and sales and futurities and stuff like

14:45:30 14 that.

14:45:30 15 Q. Would you classify it as an information exchange?

14:45:33 16 A. Yes, sir.

14:45:34 17 Q. Were you paid for any of this information?

14:45:35 18 A. No, sir.

14:45:35 19 Q. Okay. Now, in opening statement, I believe Mr. Finn said

14:45:39 20 something about you getting \$200,000. Have you ever received

14:45:43 21 \$200,000 from the FBI?

14:45:43 22 A. No, sir.

14:45:44 23 Q. Have you received \$200,000 from any governmental entity?

14:45:47 24 A. No, sir.

14:45:48 25 Q. Have you received any money from the FBI for anything with

14:45:55 1 this investigation?

14:45:57 2 A. I received a thousand dollars cash for reimbursement for a  
14:46:01 3 cellphone.

14:46:02 4 Q. We'll get to that in a little bit.

14:46:04 5 Do you know a company by the name of Tremor  
14:46:07 6 Enterprises?

14:46:07 7 A. Yes, sir.

14:46:07 8 Q. And how do you know that?

14:46:08 9 A. That's Jose's company.

14:46:12 10 Q. Jose Trevino?

14:46:14 11 A. Yes, sir.

14:46:14 12 Q. Now, did Jose Trevino ever tell you what he did for a  
14:46:18 13 living?

14:46:18 14 A. Before he got in the horse business?

14:46:20 15 Q. Yes, sir.

14:46:20 16 A. Yes, sir. He described to me as being a mason.

14:46:26 17 Q. Did he ever tell you he owned a construction company?

14:46:29 18 A. It wasn't ever relayed to me that he owned the company.

14:46:36 19 Q. So how often after the sale in January -- let's just talk  
14:46:40 20 early spring 2010 -- would you say that you received visits by  
14:46:45 21 Jose Trevino or Carlos Nayan?

14:46:47 22 A. It was pretty often. I would say --

14:46:50 23 MS. WILLIAMS: Again, your Honor, the multifarious  
14:46:53 24 question.

14:46:55 25 Q. (BY MR. GARDNER) How often would you receive visits from

14:46:58 1 Jose Trevino?

14:46:58 2 A. Maybe weekly from Jose.

14:47:01 3 Q. What about Carlos Nayan?

14:47:02 4 A. Maybe monthly.

14:47:03 5 Q. Did they ever travel together?

14:47:05 6 A. Rarely.

14:47:07 7 Q. In that period of time, did Jose Trevino ever discuss the

14:47:13 8 purchase of any property in Texas for their own operation?

14:47:17 9 A. No, sir. Not at that time.

14:47:21 10 Q. Are you familiar with a person by the name of Bobby

14:47:25 11 Martinez?

14:47:25 12 A. Yes, sir.

14:47:26 13 Q. And who is he?

14:47:27 14 A. He's a horse trainer.

14:47:29 15 Q. And where does he live?

14:47:30 16 A. In McDade, Texas, just right outside of Elgin.

14:47:34 17 Q. Do you know if Jose Trevino had any contact with Bobby

14:47:39 18 Martinez or his property at McDade?

14:47:42 19 A. I don't know that Jose did.

14:47:43 20 Q. What about Carlos Nayan?

14:47:44 21 A. Yes, sir.

14:47:45 22 Q. Okay. And what was that contact?

14:47:46 23 A. I think Carlos contacted Jose by -- I mean, I think Carlos

14:47:52 24 contacted Bobby by phone or by going to his ranch about

14:47:56 25 potentially purchasing his training facility.

14:47:59 1 Q. Now, after Tempting Dash wins, you eventually get control of  
14:48:04 2 that horse for breeding operations?

14:48:05 3 A. Yes, sir.

14:48:06 4 Q. And when do you start breeding that horse?

14:48:09 5 A. We did the initial test breedings in the spring of 2010,  
14:48:15 6 early summer.

14:48:16 7 Q. Can you please describe what a test breeding is for the  
14:48:19 8 ladies and gentlemen of the jury?

14:48:19 9 A. It was late, late in the breeding season. It was too late  
14:48:23 10 to have a full commercial breeding season, so we decided just to  
14:48:26 11 breed a handful of mares, just to see what the babies would look  
14:48:31 12 like so that before we had the full breeding season, the next  
14:48:35 13 year.

14:48:35 14 Q. So how many breedings did you conduct in 2010?

14:48:38 15 A. I think initially we had eight pregnancies.

14:48:41 16 Q. And did you sell any of those?

14:48:43 17 A. No, sir.

14:48:43 18 Q. And why not?

14:48:45 19 A. Like I said, it was just a test breeding. We didn't -- it  
14:48:50 20 was under my indication that we weren't even going to register  
14:48:54 21 the foals.

14:48:55 22 Q. And when you say it was under your indication, is that  
14:48:57 23 discussions you had with Jose Trevino?

14:48:59 24 A. Yes, sir.

14:48:59 25 Q. Now, when did come to your attention that it was Jose

14:49:02 1 Trevino, and not Rudy Trevino, who actually owned Tempting Dash?

14:49:08 2 A. That was back in after the Texas Classic Final in 2009.

14:49:12 3 Q. And Jose Trevino's name was on the race program?

14:49:15 4 A. Yes, sir.

14:49:18 5 Q. Now, in addition to your breedings, were you aware if Carlos

14:49:23 6 Nayen bought breedings to other horses?

14:49:28 7 A. Yes, sir.

14:49:28 8 Q. And do you know what other stud horses he brought breedings

14:49:31 9 for?

14:49:31 10 A. Corona Cartel, First Down Dash, Mr. Jess Perry, Walk Through

14:49:36 11 Fire.

14:49:37 12 Q. And do you know how much he paid for -- I'm sorry. Let me

14:49:41 13 back up. Those are breedings for 2010?

14:49:43 14 A. Yes, sir.

14:49:44 15 Q. And do you know how much he paid for those breedings?

14:49:46 16 A. Typically Corona Cartel's between 35 and 40,000. First Down

14:49:52 17 Dash breeds were anywhere from 30 to 50. Jess Perry, 35 to

14:49:57 18 40,000. I think Walk Through Fire at the time was around 15,000.

14:50:03 19 Q. And did you ever have any discussion with Carlos Nayen on a

14:50:05 20 number of breedings that were purchased that season?

14:50:08 21 A. Yeah. We had discussions about, you know, they bought

14:50:11 22 multiple broodings from every horse.

14:50:16 23 Q. And would that represent a significant outlay of funds?

14:50:18 24 A. Yes, sir.

14:50:20 25 Q. I want to turn your attention to the beginning of the 2010

14:50:26 1 two-year-old racing season. Did Carlos Nayen mention whose name  
14:50:31 2 he was running horses under?

14:50:34 3 A. He didn't mention specifically who he was running the horses  
14:50:37 4 under.

14:50:37 5 Q. Did you come to learn he was running horses either under a  
14:50:41 6 name or a company?

14:50:42 7 A. Yes, sir.

14:50:42 8 Q. And what name or company was that?

14:50:44 9 A. I believe at that time, he was running some of the horses  
14:50:47 10 under Hernando Guerra.

14:50:48 11 Q. And do you know a company that Hernando Guerra was  
14:50:52 12 associated with?

14:50:54 13 A. I can't remember it right this point.

14:50:57 14 Q. If I were to tell you Fast And Furious, would that refresh  
14:51:00 15 your recollection?

14:51:01 16 A. Yes, sir.

14:51:01 17 Q. Did you ever meet Hernando Guerra at any of the race tracks?

14:51:04 18 A. Never met him at the race track. He came to the ranch one  
14:51:07 19 time.

14:51:08 20 Q. One time. Carlos Nayen also discussed entering horses under  
14:51:13 21 the name of Tremor Enterprises at various races?

14:51:18 22 A. In 2010?

14:51:20 23 Q. Yeah.

14:51:20 24 A. Not in 2010 that I remember.

14:51:23 25 Q. 2011?

14:51:24 1 A. Yes, sir.

14:51:24 2 Q. Let's stay on 2011. Now, you also talked about Tempting  
14:51:31 3 Dash coming down with piroplasmosis. When did you first become  
14:51:34 4 aware he had this disease?

14:51:36 5 A. Just from the initial tests, I don't remember the exact  
14:51:40 6 date, but the day we got the test back, my veterinarian called me  
14:51:47 7 that night. It was a Friday night.

14:51:51 8 Q. And when a horse comes down with piroplasmosis, you  
14:51:55 9 mentioned something earlier about quarantine under the Texas  
14:51:58 10 Animal Health Commission. What steps does that commission take  
14:52:02 11 when they find a positive piroplasmosis test?

14:52:07 12 A. They usually come immediately and, you know, find out where  
14:52:10 13 the horse is being domiciled out and, you know, kind of -- that's  
14:52:14 14 when they put the horse under quarantine.

14:52:17 15 Q. And you said it was on a Friday when you found out about the  
14:52:20 16 test?

14:52:20 17 A. Yes, sir.

14:52:21 18 Q. And did the Texas Animal Health Commission show up that  
14:52:23 19 Friday?

14:52:23 20 A. No, sir. They didn't show up till Monday.

14:52:26 21 Q. Did you call Jose Trevino about the positive test?

14:52:30 22 A. Yes, sir.

14:52:30 23 Q. And when was that?

14:52:32 24 A. That night.

14:52:33 25 Q. And what was his reaction?

14:52:38 1 A. It was just like mine. I mean, it was shocked.

14:52:42 2 Q. Is piroplasmosis a fairly rare condition?

14:52:45 3 A. It's a fairly rare condition. Yes, sir.

14:52:47 4 Q. So what happened to the horse Tempting Dash over the  
14:52:50 5 weekend?

14:52:51 6 A. Well, at that point the horse was not at Stallion Station.  
14:52:55 7 He was at McDade.

14:52:57 8 Q. Well, what happened to the horse that weekend?

14:52:59 9 A. The horse was transported off of that facility. At that  
14:53:03 10 point, I didn't know where he went, but eventually found out he  
14:53:06 11 went to South Texas.

14:53:08 12 Q. And did you find that out from Jose Trevino?

14:53:11 13 A. Yes, sir.

14:53:12 14 Q. Okay. Did Jose Trevino approach you about talking to the  
14:53:16 15 health inspector?

14:53:17 16 A. Yes, sir.

14:53:18 17 Q. And what did he relay to you in terms of taking care of  
14:53:25 18 Tempting Dash?

14:53:25 19 A. Well, Jose, Carlos and Fernando came to the ranch the next  
14:53:30 20 morning, and we were discussing, you know, what should be done  
14:53:32 21 with the horse. And I said, can't do anything with the horse.  
14:53:35 22 He needs to stay put. And, you know, they discussed moving him  
14:53:38 23 and talking to the Health Commission, if there was anything we  
14:53:42 24 could do to, you know, basically bribe the Texas Animal Health  
14:53:47 25 Commission into, you know, overlooking this deal. Of course, I



14:53:54 1 said, I don't see how we're going to do that.

14:53:56 2 Q. And what amount did Jose Trevino suggest is the appropriate

14:54:00 3 bribe for the Texas Animal Health Commission?

14:54:02 4 A. He said something like, well, what do you think if we had a

14:54:07 5 couple of hundred-thousand dollars?

14:54:11 6 Q. Now, you said Fernando. Is that Fernando Garcia?

14:54:13 7 A. Yes, sir.

14:54:14 8 Q. All right. And when did you first encounter Fernando

14:54:17 9 Garcia?

14:54:17 10 A. I think I first met Fernando in the spring of 2010.

14:54:24 11 Q. And how did you first meet him?

14:54:26 12 A. With Carlos.

14:54:28 13 Q. How good was Carlos Nayan's English?

14:54:31 14 A. Wasn't very good.

14:54:32 15 Q. And how good was Fernando Garcia's English?

14:54:35 16 A. It's pretty good.

14:54:36 17 Q. And when you say Carlos Nayan, would you normally see

14:54:40 18 Fernando Garcia with him?

14:54:41 19 A. Yes, sir. A lot of the time.

14:54:44 20 Q. And how good was Jose Trevino's English?

14:54:46 21 A. He speaks good English.

14:54:50 22 Q. So after this Tempting Dash bribe offer, at some point, did

14:54:54 23 you start receiving other horses from this organization?

14:54:57 24 A. Yes, sir.

14:54:58 25 Q. And when was that?

14:55:00 1 A. I think the first horses I received was in the late summer,  
14:55:04 2 fall of 2010.

14:55:06 3 Q. How did that happen?

14:55:09 4 A. They just started, you know, telling me they were going to  
14:55:12 5 bring mares and stuff to the ranch.

14:55:15 6 MS. WILLIAMS: Objection, your Honor. Who said what?

14:55:18 7 MR. GARDNER: I could rephrase that.

14:55:20 8 THE COURT: All right.

14:55:21 9 Q. (BY MR. GARDNER) Who told you they were going to bring other  
14:55:23 10 horses to the ranch?

14:55:24 11 A. At that point, it was Carlos and Fernando.

14:55:29 12 Q. What do you charge for your services at Stallion Station per  
14:55:39 13 horse?

14:55:40 14 A. To breed the horses or to --

14:55:43 15 Q. To breed the horses, to board the horses. Let's say you're  
14:55:45 16 breeding them all.

14:55:46 17 A. So when we're breeding the horse, we just charge a day  
14:55:49 18 charge, like a boarding charge. It could be between 16 and 18,  
14:55:54 19 depending on the horse.

14:55:56 20 Q. And what about the breeding charge?

14:55:57 21 A. The breeding charge is based on the individual stallion.  
14:56:02 22 Tempting Dash was 5,000.

14:56:06 23 Q. So with the addition of these other horses, as well as  
14:56:11 24 Dashin Follies and Tempting Dash, what was your bill or the  
14:56:16 25 amount owed to you at that time, May of 2010?

14:56:20 1 MS. WILLIAMS: Objection, your Honor. Assumes facts  
14:56:22 2 not in evidence that those two bills would be combined.

14:56:32 3 THE COURT: Rephrase your question so I know what it  
14:56:34 4 is.

14:56:35 5 MR. GARDNER: Yes, sir.

14:56:35 6 Q. (BY MR. GARDNER) Were you amassing bills for Tempting Dash  
14:56:42 7 at that point?

14:56:42 8 A. At that point, I wasn't amassing bills for Tempting Dash  
14:56:47 9 because I was boarding him for free. I keep the studs for free.

14:56:50 10 Q. Okay. And what about Dashin Follies and the other three  
14:56:52 11 horses at the --

14:56:53 12 A. Yes, sir. They were on board.

14:56:55 13 Q. And what about the other ten horses that were brought to you  
14:56:58 14 in May of 2010 or so?

14:57:01 15 A. Yes, sir. They were on board, also.

14:57:02 16 Q. So let's go to July 2010. What was the total -- approximate  
14:57:08 17 total for the boarding and breeding for those horses?

14:57:10 18 A. I'd have to look at the bill.

14:57:12 19 Q. Now, based on that amount, whatever it is, were you  
14:57:18 20 approached about paying -- getting that bill paid?

14:57:22 21 A. Yes, sir.

14:57:23 22 Q. And who approached you?

14:57:24 23 A. Usually talked with Carlos and Fernando about the bills.

14:57:29 24 Q. And at some point, did you establish an IBC account?

14:57:32 25 A. Yes, sir.

14:57:33 1 Q. And when was that?

14:57:34 2 A. It was in 2010. I don't remember what month.

14:57:40 3 Q. And why did you establish that particular account?

14:57:43 4 A. I talked to Carlos and he said it would be good to either  
14:57:45 5 set up an IBC account, or Wells Fargo, or Bank of America, so  
14:57:50 6 that it would be easy for them to transfer funds when they paid  
14:57:53 7 their bills, and they could just do account-to-account transfers.

14:57:56 8 Q. So did that seem to indicate to you they already had an  
14:58:00 9 account in any one of those three banks?

14:58:01 10 A. Yes, sir.

14:58:01 11 Q. And why did you pick IBC?

14:58:03 12 A. I picked IBC because there wasn't an IBC, Wells Fargo or  
14:58:08 13 Bank of America in Elgin, and the closest one of those three, IBC  
14:58:11 14 being in Bastrop.

14:58:13 15 Q. And at some point after establishing that account, were  
14:58:17 16 funds put into that account?

14:58:19 17 A. Yes, sir.

14:58:20 18 Q. And how were they put into that account?

14:58:22 19 A. Cash deposits.

14:58:23 20 Q. In what amounts?

14:58:24 21 A. 9,000 apiece. I think there were six of them for \$54,000.

14:58:30 22 Q. And after that deposit, what happened to that account?

14:58:34 23 A. I was informed by my officer that opened my account that I  
14:58:39 24 needed to clear my balance and that they were closing my account.

14:58:46 25 Q. And did you clear the balance out of that account?

14:58:49 1 A. Yes, sir.

14:58:49 2 Q. What were the payments for?

14:58:51 3 A. At that time the payments went to the balances at the ranch  
14:58:55 4 for bills.

14:58:58 5 Q. And these bills, were they for services actually performed  
14:59:02 6 on horses?

14:59:02 7 A. Yes, sir.

14:59:03 8 Q. So were you feeding horses?

14:59:04 9 A. Yes, sir.

14:59:05 10 Q. Were you shoeing horses?

14:59:06 11 A. Yes, sir.

14:59:06 12 Q. Were you boarding horses?

14:59:09 13 A. Yes, sir.

14:59:10 14 Q. Now, Carlos and Fernando, Carlos Nayen and Fernando Garcia  
14:59:18 15 talked to you about this account. After it was closed, did you  
14:59:21 16 ever talk to Jose Trevino about it?

14:59:22 17 A. Yes, sir.

14:59:23 18 Q. And what discussions did you have with Jose Trevino?

14:59:26 19 A. Well, we discussed -- you know, I said, I opened this  
14:59:29 20 account so that they could make wire -- or account-to-account  
14:59:31 21 transfers. I had no intention of them depositing cash into my  
14:59:36 22 bank account. I think they did that in Laredo. But that wasn't  
14:59:39 23 the intention of me opening the account.

14:59:42 24 Q. And what was Jose Trevino's reaction?

14:59:46 25 A. Kind of shocked.

14:59:48 1 Q. And did you see him get on the telephone and call somebody?

14:59:52 2 A. Yes, sir.

14:59:52 3 Q. And who was that?

14:59:53 4 A. I believed he was talking to Carlos.

14:59:56 5 Q. And was he talking in English or in Spanish?

14:59:58 6 A. Spanish.

14:59:59 7 Q. And how good is your Spanish, sir?

15:00:01 8 A. It's fair.

15:00:03 9 Q. Do you understand what Jose Trevino was saying?

15:00:05 10 A. Yes, sir.

15:00:06 11 Q. And could you describe his state? Was it calm or?

15:00:10 12 A. It was kind of nervous or anxious.

15:00:14 13 Q. And after this incident with the IBC account, did you inform

15:00:19 14 Special Agent Scott Lawson of what had happened?

15:00:21 15 A. Yes, sir.

15:00:22 16 Q. Did you provide him any paperwork with respect to the

15:00:25 17 deposits made into that account?

15:00:26 18 A. Yes, sir. I believe I did.

15:00:28 19 Q. With respect to Fernando Garcia, what did he do with respect

15:00:37 20 to any payments for any bills owed at Stallion Station?

15:00:43 21 A. He helped -- you know, he helped accommodate me in getting

15:00:47 22 the wire transfers and different stuff. I e-mailed him bills on

15:00:50 23 a regular basis.

15:00:52 24 Q. Do you recall what e-mail he used?

15:00:54 25 A. He had a personal e-mail. It was -- it was a Hotmail

15:00:59 1 account. It was Fernie something. I don't remember exactly.

15:01:01 2 Q. If I were to tell you Fernie004, would that refresh your  
15:01:01 3 memory?

15:01:05 4 A. Yes, sir.

15:01:06 5 Q. Now, are you familiar with an individual named Adan Farias?

15:01:13 6 A. Yes, sir.

15:01:13 7 Q. And how do you know him?

15:01:15 8 A. He's a trainer in California.

15:01:17 9 Q. And did you become aware at some point where Jose Trevino or  
15:01:23 10 Fernando -- I'll state it one at a time.

15:01:26 11 Jose Trevino began to use Adan Farias to train horses?

15:01:30 12 A. Yes, sir.

15:01:30 13 Q. Okay. And how was that?

15:01:32 14 A. I talked to him regularly about who they were sending their  
15:01:35 15 babies to, what races they were paid in, stuff like that, who was  
15:01:38 16 training them.

15:01:39 17 Q. And when you say you talked to them regularly?

15:01:41 18 A. I talked to Jose, Fernando, Carlos.

15:01:45 19 Q. And at this time, did it appear to you that all three of  
15:01:49 20 them were talking about the same horses?

15:01:51 21 A. Yes, sir. More or less.

15:01:54 22 Q. Now, were you ever familiar with the fact that Carlos Nayen  
15:02:00 23 was changing horse names?

15:02:02 24 A. Yes, sir.

15:02:03 25 Q. And do you know what he was changing them into?

15:02:06 1 A. I think that year, he was changing them -- they had changed  
15:02:09 2 them from their original names into names of cars. Exotic cars.  
15:02:16 3 Q. What's the effect of the name change?  
15:02:19 4 A. I mean, it's a little harder to keep track of the horses for  
15:02:23 5 people that want to keep track of them. I don't know, some  
15:02:28 6 breeders don't like it just because they take pride in the name  
15:02:33 7 of the horses.  
15:02:34 8 Q. When you say keep track, do you have a cellphone app called  
15:02:38 9 Virtual Stables?  
15:02:39 10 A. Yes, sir.  
15:02:39 11 Q. And what does that cellphone app do for you as a breeder?  
15:02:43 12 A. I can just put the name of the horse in there and it will  
15:02:45 13 give me alerts and e-mails on when the horse works, like a  
15:02:49 14 workout race, when the horse is entered, when the horse runs, the  
15:02:52 15 result of the finish after they run, stuff like that.  
15:02:57 16 Q. Now, in addition to naming the -- let me back up.  
15:03:01 17 So this IBC event occurred sometime in the summer 2010?  
15:03:04 18 A. Yes, sir.  
15:03:04 19 Q. When is the auction season in the quarter horse industry?  
15:03:07 20 A. Usually starts late in the summer. Typically the first sale  
15:03:12 21 is in July, Texas quarter horse sale.  
15:03:16 22 Q. And did Carlos Nayan or Fernando Garcia brag to you about  
15:03:20 23 the number of horses they were going to purchase that year?  
15:03:23 24 A. Yes, sir. They were pretty open about wanting to buy quite  
15:03:25 25 a few yearlings.



15:03:31 1 Q. Before we get into the auction season, I want to talk about  
15:03:37 2 Dashin Follies. The summer of 2010, had Dashin Follies been paid  
15:03:42 3 off yet?

15:03:42 4 A. Yes, sir. I believe so.

15:03:43 5 Q. And was there an occasion when Carlos Nayan brought you in  
15:03:47 6 an amount of cash?

15:03:48 7 A. Yes, sir.

15:03:48 8 Q. All right. Can you describe that to the jury, please?

15:03:51 9 A. He just showed up and came to the ranch, and they had a  
15:03:55 10 balance that they had an unpaid balance on her at Heritage Place  
15:04:01 11 that they were going to pay the remaining balance on -- pay the  
15:04:06 12 remaining balance in cash. We had actually had an interest in  
15:04:13 13 trying to buy a yearling that fell through, and we used that  
15:04:17 14 cash --

15:04:18 15 MS. WILLIAMS: Objection. Nonresponsive.

15:04:19 16 MR. GARDNER: I can break it up a little bit, your  
15:04:20 17 Honor.

15:04:20 18 THE COURT: All right.

15:04:21 19 Q. (BY MR. GARDNER) Let me just break it up a little bit, Mr.  
15:04:24 20 Graham.

15:04:24 21 All right. So when was it that Carlos Nayan brought  
15:04:27 22 you \$100,000 in cash?

15:04:30 23 A. Sometime in summer of 2010.

15:04:32 24 Q. And this horse you said you were going to buy, was that  
15:04:36 25 horse present in Texas at the time?

15:04:37 1 A. Well, we had brought him down from Oklahoma and have him  
15:04:41 2 vet-checked and he was in Texas.

15:04:43 3 Q. And what did the vet check reveal?

15:04:45 4 A. It didn't come out good. His X-rays were bad.

15:04:48 5 Q. And so, did you advise Carlos Nayan not to purchase that  
15:04:51 6 horse?

15:04:51 7 A. Yes, sir.

15:04:51 8 Q. All right. And could you describe for the jury, when he  
15:04:55 9 gave you \$100,000, where was it?

15:04:58 10 A. It was in the vehicle that they were in. Got it out of a  
15:05:03 11 backpack.

15:05:04 12 Q. And were there any other backpacks in the vehicle?

15:05:06 13 A. Yes, sir.

15:05:06 14 Q. And when you say the vehicle they were in, who is they?

15:05:10 15 A. I believe at that time, Fernando was with Carlos.

15:05:15 16 Q. And did Carlos Nayan give you that \$100,000 in cash?

15:05:19 17 A. Yes, sir.

15:05:20 18 Q. And do you recall the denominations in which you received  
15:05:23 19 that cash?

15:05:23 20 A. It was mainly 100s. I believe there were a few 20s.

15:05:27 21 Q. And what did you do with that money?

15:05:29 22 A. Took it to Oklahoma to pay off the remainder for Dashin  
15:05:34 23 Follies.

15:05:34 24 Q. And do you recall filling out a Form 8300 with Jane Eckert?

15:05:38 25 A. Yes, sir.

15:05:38 1 Q. And the jury's heard from her. She was the controller at  
15:05:42 2 Heritage Place at that time, correct?

15:05:43 3 A. Yes, sir.

15:05:44 4 Q. Moving along a little bit, are you familiar with a horse  
15:05:50 5 called Feature Honor?

15:05:51 6 A. Yes, sir.

15:05:52 7 THE COURT: Let's let the horse rest a minute.  
15:05:55 8 Afternoon break. Use the facilities. Be ready to come back in  
15:06:00 9 about ten minutes.

15:06:37 10 (Jury not present.)

15:06:44 11 THE COURT: Fifteen-minute recess.

15:06:53 12 MS. WILLIAMS: Could the lawyers approach?

15:06:54 13 (At the bench, on the record.)

15:07:05 14 MS. WILLIAMS: I know you don't have a crystal ball and  
15:07:07 15 neither does the government, but obviously we're trying to plan  
15:07:11 16 ahead for putting on our case. I know that I have some -- a  
15:07:14 17 couple of witnesses who can't get here until Thursday. And I do  
15:07:21 18 not want to delay the Court, so I'm just trying to get a sense  
15:07:23 19 of.

15:07:24 20 MR. GARDNER: We have six witnesses left? I imagine a  
15:07:26 21 couple of shorter ones. We've got the case agents and this guy.  
15:07:29 22 I would imagine, depending on the short questions that y'all  
15:07:33 23 have, that we're resting tomorrow or the next day.

15:07:39 24 THE COURT: I'm on my 81st page of notes.

15:07:45 25 MR. DEGEURIN: That's one more page than Willy Nelson

15:07:47 1 is old.

15:07:50 2 THE COURT: And Mr. Rejon just took one purpose. So I  
15:08:02 3 can't give you --

15:08:02 4 MS. WILLIAMS: I understand. I'm just letting you know  
15:08:04 5 I have some witnesses ready for Wednesday. I have at least one  
15:08:08 6 witness that cannot get here until Thursday.

15:08:11 7 THE COURT: But don't worry that. I mean, we can go  
15:08:14 8 Thursday.

15:08:19 9 MR. MAYR: What about Friday, your Honor?

15:08:20 10 THE COURT: Well, I'm going to make up my mind, I  
15:08:22 11 guess, tomorrow.

15:08:22 12 MR. MAYR: Okay.

15:08:23 13 THE COURT: Too soon. Right now, I'm going to have  
15:08:29 14 other people make up their mind. As you probably know, we have  
15:08:33 15 the judicial conference, and I had decided to skip it, because of  
15:08:38 16 this trial, but now we're having a discussion as to whether or  
15:08:42 17 not we're going to close courts on Friday because the government  
15:08:50 18 -- every other Friday and the public defenders every other  
15:08:56 19 Friday. So I've been asked to be up there next Tuesday morning,  
15:09:02 20 decide what we're going to do.

15:09:04 21 But the Western District has such a different docket  
15:09:10 22 where that can work in some of the dockets and doesn't work in  
15:09:14 23 others. So it's going to be a complex question. Anyway, the  
15:09:40 24 important thing is I may have to be here. So my desire if we're  
15:09:43 25 going to go into Thursday with witnesses, to conclude the

15:09:46 1 testimony, get back Tuesday afternoon, then we can argue  
15:09:52 2 Wednesday.

15:09:57 3 MS. WILLIAMS: Of next week.

15:10:01 4 THE COURT: But I've had several inquiries through  
15:10:03 5 John -- of course, John never answers the questions -- as to how  
15:10:07 6 long because their employers and their associates need. But  
15:10:11 7 after y'all got through with the first witness today, they were  
15:10:17 8 interested in why a lawyer could ask the same question that the  
15:10:22 9 other lawyers asked, that the other lawyers asked four times and  
15:10:26 10 why it was permitted.

15:10:32 11 MR. MAYR: For the record, we didn't ask any questions.

15:10:35 12 MR. WOMACK: So they probably asked that, why did we  
15:10:36 13 not ask questions.

15:10:37 14 THE COURT: No. I think y'all got a pass. I'm just  
15:10:44 15 passing on information, just like I passed it last week when they  
15:10:47 16 went to sleep on you.

15:10:49 17 MS. WILLIAMS: Thank you, your Honor.

15:10:51 18 MR. ESPER: Judge, we have some witnesses. So we  
15:10:53 19 should be ready Thursday, as well.

15:10:55 20 MS. WILLIAMS: Wednesday.

15:10:56 21 THE COURT: Maybe even Wednesday.

15:10:59 22 MR. ESPER: In other words, we just have a couple, but  
15:11:01 23 I'm going to have them ready Wednesday. I don't know when we're  
15:11:04 24 going to get to.

15:11:05 25 THE COURT: I don't think we'll finish on Tuesday. I

15:11:08 1 don't know. The crosses will be shorter on the professional  
15:11:14 2 witnesses.

15:11:15 3 MR. ESPER: Yes. Okay.

15:11:17 4 THE COURT: So that's --

15:11:22 5 MR. ESPER: I'm just going to have mine available.

15:20:57 6 (Recess.)

15:21:24 7 (Jury present.)

15:22:50 8 THE COURT: Mr. Graham, you're still under oath. Do  
15:22:53 9 you understand that?

15:22:53 10 THE WITNESS: Yes, sir.

15:22:54 11 THE COURT: You may proceed.

15:22:55 12 MR. GARDNER: Thank you, your Honor.

15:22:57 13 Q. (BY MR. GARDNER) Waiting on Mr. Esper, your Honor.

15:23:34 14 Before the break, Mr. Graham, we talked about a horse  
15:23:38 15 named Feature Honor. Do you know who originally owned that  
15:23:41 16 horse?

15:23:41 17 A. I don't know who originally owned him. I know when he came  
15:23:47 18 across the border from Mexico, my understanding that Carlos owned  
15:23:51 19 it.

15:23:51 20 THE COURT: What was the name of the horse?

15:23:53 21 MR. GARDNER: Feature Honor, your Honor.

15:23:57 22 Q. (BY MR. GARDNER) And at some point, did that horse get  
15:23:59 23 transferred?

15:24:00 24 A. Yes, sir.

15:24:01 25 Q. And to who?

15:24:02 1 A. To Tremor Enterprises.

15:24:05 2 Q. And what was the circumstances -- let me back up.

15:24:11 3 Prior to the transfer of Tremor Enterprises, what  
15:24:14 4 success did that horse have?

15:24:16 5 A. He had ran in the AQHA Juvenile Challenge at Ruidoso.

15:24:23 6 Q. And how did he do in that challenge?

15:24:25 7 A. He won it. I believe he won it.

15:24:26 8 Q. And after that challenge, did he get transferred to Jose  
15:24:30 9 Trevino?

15:24:31 10 A. Yes, sir. To my knowledge.

15:24:32 11 Q. And after that Juvenile Challenge in the transfer, what was  
15:24:39 12 the next race that you were aware of that he was entering?

15:24:42 13 A. The All American Futurity trials.

15:24:44 14 Q. And that's at Ruidoso?

15:24:46 15 A. Yes, sir.

15:24:47 16 Q. Was that the same race he was entered with Mr. Piloto?

15:24:50 17 A. Yes, sir.

15:24:51 18 Q. The name of the same heat?

15:24:54 19 A. They were not in the same trial.

15:24:58 20 Q. I'm showing you Government's Exhibit 102K. Is this the  
15:25:07 21 trials that you just spoke about, No. 8?

15:25:10 22 A. Yes, sir.

15:25:11 23 Q. And did this horse qualify for the finals for the All  
15:25:14 24 American with Mr. Piloto?

15:25:16 25 A. No, sir.

15:25:17 1 Q. Now, what is the normal entry fee for the trials at the All  
15:25:23 2 American?

15:25:23 3 A. I think if you pay by payments, it's around 3,500. 3,500 to  
15:25:29 4 4,000.

15:25:30 5 Q. And do you know how much was paid for this entry fee?

15:25:32 6 A. The supplemental cost to pay late is 50,000.

15:25:37 7 Q. And was 50,000 paid for the entry for Feature Honor to enter  
15:25:42 8 this race?

15:25:42 9 A. Yes, sir.

15:25:43 10 Q. Did you attend the All American trials?

15:25:53 11 A. Yes, sir.

15:25:55 12 Q. Do you know a jockey by the name of Esgar Ramirez?

15:25:59 13 A. Yes, sir.

15:26:00 14 Q. And who is he a jockey for?

15:26:03 15 A. He's a jockey for several trainers, but he did ride Tremor's  
15:26:09 16 horses that day. But he rides for multiple trainers at Ruidoso.

15:26:14 17 Q. Now, with respect to Mr. Piloto and the trials, whose horse  
15:26:19 18 was he at the trials?

15:26:21 19 A. I believe he was under Garcia Bloodstock in the trials.

15:26:26 20 Q. And did Mr. Piloto -- as the jury's heard, he won his  
15:26:32 21 trials, correct?

15:26:32 22 A. Yes, sir.

15:26:36 23 THE COURT: When you say Garcia, what?

15:26:40 24 THE WITNESS: Bloodstock.

15:26:41 25 THE COURT: Bloodstock.



15:26:44 1 Q. (BY MR. GARDNER) And were you subsequently in attendance at  
15:26:48 2 the auction preceding the All American Futurity?  
15:26:50 3 A. Yes, sir.  
15:26:51 4 Q. Who was at that auction?  
15:26:52 5 A. Jose was there, Fernando, Carlos. They had a few other guys  
15:26:57 6 that I don't remember their names.  
15:26:59 7 Q. And were you aware of the number of purchases that these  
15:27:06 8 individuals were making?  
15:27:07 9 A. Yes, sir.  
15:27:08 10 Q. And do you know the total that they purchased that weekend?  
15:27:10 11 A. I think it was 24, somewhere around there.  
15:27:15 12 Q. Twenty horses?  
15:27:16 13 A. Yes, sir, 20, 24.  
15:27:21 14 Q. Do you recall the price for those horses?  
15:27:22 15 A. Total dollars, I believe, was over \$2 million.  
15:27:26 16 Q. Do you know an individual by the name of "Pancho" Colorado?  
15:27:29 17 A. No, sir.  
15:27:30 18 Q. Have you ever met him?  
15:27:31 19 A. No, sir.  
15:27:31 20 Q. Have you ever seen him at any of the races?  
15:27:33 21 A. No, sir, I haven't.  
15:27:34 22 Q. How about any of the auction barns?  
15:27:36 23 A. I haven't. No, sir.  
15:27:37 24 Q. And how did you know that Jose Trevino and Carlos Nayan and  
15:27:44 25 Fernando Garcia were buying this group of horses?

15:27:46 1 A. I was talking to Fernando about it.

15:27:48 2 Q. What did he tell you with respect to the number of horses

15:27:51 3 they bought?

15:27:53 4 A. He had told me, like I said, I think they bought between 20

15:27:56 5 or 24 horses.

15:27:57 6 Q. And do you know Raul Ramirez?

15:28:02 7 A. I met him at the sale.

15:28:03 8 Q. And that auction --

15:28:05 9 A. Yes, sir.

15:28:05 10 Q. -- preceding the All American 2010?

15:28:09 11 A. Yes, sir.

15:28:09 12 Q. And what was his role at that sale?

15:28:11 13 A. He was doing the bidding on some of the horses they bought.

15:28:14 14 Q. Do you know if he was related to Esgar Ramirez, the jockey?

15:28:17 15 A. Yes, sir. I believe they were brothers.

15:28:20 16 Q. Now, going to the final, the All American, were you aware of

15:28:25 17 the transfer between Garcia Bloodstock and Tremor Enterprises for

15:28:30 18 Mr. Piloto?

15:28:30 19 A. Yes, sir. Before the race. Yes, sir.

15:28:32 20 Q. That was before the race?

15:28:33 21 A. Well, when they entered.

15:28:35 22 Q. And, again, Mr. Piloto had won his qualifier under Garcia

15:28:40 23 Bloodstock?

15:28:40 24 A. Yes, sir.

15:28:41 25 Q. Do you know the price that was paid for that horse by Jose

15:28:48 1 Trevino?

15:28:48 2 A. No, sir. I didn't know at the time.

15:28:51 3 Q. Did you ever talk to Fernando Garcia about the sale of that

15:28:54 4 horse?

15:28:55 5 A. No, sir.

15:28:57 6 Q. How much does a qualifier -- I'm sorry. How much does tenth

15:29:03 7 place pay in that final?

15:29:04 8 A. I think tenth place usually pays between 50 and 75,000,

15:29:08 9 depending on the year.

15:29:10 10 Q. That's for the All American Final?

15:29:15 11 A. Yes, sir.

15:29:15 12 Q. Would you ever sell a horse if you won a trial and qualified

15:29:23 13 for a final?

15:29:24 14 A. Would I ever sell one?

15:29:25 15 Q. Yes.

15:29:26 16 MS. WILLIAMS: Objection. Relevance.

15:29:27 17 A. Yes, sir. I'm --

15:29:29 18 THE COURT: Whoa, whoa. She's objected and I'll

15:29:31 19 sustain her objection.

15:29:33 20 Q. (BY MR. GARDNER) Now, during the course of this auction, did

15:29:38 21 Jose Trevino associate himself with Carlos Nayan or Fernando

15:29:43 22 Garcia?

15:29:43 23 A. No, sir.

15:29:45 24 Q. And did you find that to be odd?

15:29:49 25 A. Somewhat.

15:29:51 1 Q. Did you see them at some point associating themselves  
15:29:53 2 together at the auction?

15:29:54 3 A. I mean, they were around the auction together.

15:29:58 4 Q. And were they together when Mr. Piloto won the race?

15:30:00 5 A. Yes, sir.

15:30:02 6 Q. I believe the jury's already seen a photo in that. Were you  
15:30:06 7 also in that photo of the final?

15:30:07 8 A. Yes, sir.

15:30:07 9 Q. Now, after the race, when Mr. Piloto won, what did Jose  
15:30:13 10 Trevino and Fernando Garcia and Carlos Nayan do?

15:30:18 11 A. We all went out to celebrate.

15:30:20 12 Q. Together?

15:30:21 13 A. Yes, sir.

15:30:21 14 Q. And where did you go to celebrate?

15:30:23 15 A. We went out to the Inn of the Mountain Gods Casino.

15:30:26 16 Q. Is that also in Ruidoso?

15:30:28 17 A. Yes, sir.

15:30:29 18 Q. And were you present with any discussions between Jose  
15:30:34 19 Trevino and Carlos Nayan about the future of Mr. Piloto?

15:30:36 20 A. Yes, sir. We discussed the future of the horse. Outside  
15:30:39 21 the casino.

15:30:40 22 Q. What discussions were had between Jose Trevino and Carlos  
15:30:45 23 Nayan?

15:30:45 24 A. Well, I had the discussions with them. I mean, it was all  
15:30:48 25 of us in the same conversation, but we discussed whether, you

15:30:51 1 know, what they were going to -- where they were going to run the  
15:30:54 2 horse next or whether they were going to retire the horse. He  
15:30:57 3 was paid into some futurities in California, which was my hope  
15:31:04 4 that they send him out there to run him in California.

15:31:08 5 Q. So why did you want them to run Mr. Piloto in California?

15:31:11 6 A. Well, he had just won the All American. It was one of the  
15:31:14 7 closest finishes in the history of the race, and it was one of  
15:31:16 8 the slowest finishes in the history of the race. I mean, he  
15:31:19 9 needed to go out there and prove himself, in my opinion.

15:31:22 10 Q. In order for?

15:31:23 11 A. Further prove himself.

15:31:24 12 Q. In order to bring a better value as a breeding stallion?

15:31:27 13 A. Yes, sir.

15:31:29 14 Q. And did somebody else have an opposite view of whether or  
15:31:33 15 not Mr. Piloto should continue to race?

15:31:34 16 A. Yeah. I mean, at that point that night, Carlos, you know,  
15:31:37 17 told me that they were going to retire him as -- retire him and,  
15:31:41 18 you know, he was going to become a stud horse.

15:31:44 19 Q. At some point, did Carlos Nayan call somebody?

15:31:48 20 A. Yes, sir. For most of the conversation we had outside, he  
15:31:50 21 was, you know, talking -- he was on his Nextel.

15:31:53 22 Q. Do you have any idea who that person he was talking to?

15:31:56 23 A. No, sir.

15:31:56 24 Q. And what was Carlos Nayan relating to that person?

15:31:59 25 A. Just our conversation what we were talking about. You know,

15:32:03 1 I thought that my biggest point that night was that they didn't  
15:32:06 2 need to make the decision that night. They needed to wait, you  
15:32:09 3 know, a few days and think about it, at least, whether they were  
15:32:13 4 going to retire him, whether they were going to run him.  
15:32:15 5 Q. And what decision was ultimately made?  
15:32:17 6 A. Ultimately that night, when I went to bed, it was made that  
15:32:20 7 he was going to be retired and that he was going to come to Elgin  
15:32:23 8 where we were going to start breeding him with Tempting Dash.  
15:32:26 9 Q. And when you woke up the next day, had that decision  
15:32:29 10 changed?  
15:32:29 11 A. It took a few days but a couple of days later.  
15:32:33 12 Q. Was Mr. Piloto ever raced again in California?  
15:32:36 13 A. No, sir. He went to California, but they didn't run him.  
15:32:39 14 Q. And could you explain to the jury the circumstances around  
15:32:42 15 his last entered race?  
15:32:46 16 A. Yeah. He was entered in the Golden State Futurity, entered  
15:32:50 17 for the trials, and then, they scratched him before the trials.  
15:32:54 18 Q. Who scratched him?  
15:32:56 19 A. Well, Jose scratched him. He was the -- Tremor Enterprises  
15:32:59 20 was the owner at the time.  
15:33:02 21 Q. Have you ever met an individual named Sergio Rincon?  
15:33:05 22 A. Yes, sir.  
15:33:06 23 Q. And do you know him by any other nicknames?  
15:33:08 24 A. "Negro" or "Saltillo."  
15:33:11 25 Q. So "Negro" and "Saltillo?"

15:33:13 1 A. Yes, sir.

15:33:13 2 Q. Who was he associated with?

15:33:17 3 A. He was associated with Carlos mainly but Carlos, Jose, the  
15:33:22 4 whole group.

15:33:23 5 Q. And when did you first meet this person you knew as "El  
15:33:26 6 Negro" or "Saltillo"?

15:33:28 7 A. It was back in the spring or early summer 2010, I believe.

15:33:34 8 Q. Okay. What was his role? What did he do for Jose?

15:33:37 9 A. He was just a truck driver or just a -- just kind of a --  
15:33:43 10 just a hand, you know, just a regular do whatever they needed,  
15:33:46 11 haul horses or go get feed. I mean, mainly he hauled the horses  
15:33:51 12 or that's what he did most of the time.

15:33:53 13 Q. Was he a trainer at all?

15:33:54 14 A. No, sir.

15:33:55 15 Q. Did he appear to you to be an owner of horses or be  
15:33:59 16 knowledgeable about horses?

15:34:00 17 A. No, sir.

15:34:00 18 Q. Did you ever see him with a \$50,000 payment or \$50,000 sum  
15:34:08 19 of cash?

15:34:08 20 A. No, sir.

15:34:09 21 Q. Did he appear to be a wealthy man?

15:34:11 22 A. No, sir.

15:34:14 23 Q. And have you ever seen this "El Negro" with "Chevo"?

15:34:18 24 A. Yes, sir.

15:34:19 25 Q. And on what occasion or how many occasions?

15:34:21 1 A. Several occasions. I mean, he was down at "Chevo's" quite a  
15:34:25 2 bit whenever they were training horses down there and at the race  
15:34:28 3 track. He just -- different occasions.

15:34:31 4 Q. When you say down there, is that "Chevo" Huitron's place in  
15:34:35 5 Elgin?

15:34:35 6 A. In Cedar Creek.

15:34:39 7 Q. I want to turn your attention to the Heritage Place auction  
15:34:42 8 in 2010. Do you know a Felipe Quintero?

15:34:45 9 A. Yes, sir.

15:34:45 10 Q. Do you know if he was responsible for buying horses at that  
15:34:50 11 auction?

15:34:50 12 A. Yes, sir. I believe he was the agent for their horses or  
15:34:53 13 for some of their horses.

15:34:54 14 Q. And do you know how many horses they bought at that auction?

15:34:57 15 A. I don't remember exactly.

15:34:59 16 Q. Do you have any recollection of the amount they spent?

15:35:02 17 A. I believe they spent 6 or \$700,000.

15:35:07 18 Q. And when you say "they," did you have conversations with  
15:35:11 19 either Fernando Garcia or Carlos Nayen regarding the horses  
15:35:15 20 purchased at that auction?

15:35:16 21 A. With Fernando.

15:35:18 22 Q. And what discussions did he have with Fernando Garcia about  
15:35:21 23 the total horses bought?

15:35:23 24 A. Oh, we just discussed -- I believe it was -- you know, they  
15:35:26 25 had bought some brood mares that we were going to be, you know,



15:35:29 1 breeding the next year. You know, I was asking him -- you know,  
15:35:32 2 we talked about mares they were looking at, mares they bought.  
15:35:36 3 Q. Now, I want to turn your attention to after that auction.  
15:35:39 4 Are you familiar with a place called Casey's Place?  
15:35:42 5 A. Yes, sir.  
15:35:42 6 Q. And did the organization have any role in using that place?  
15:35:47 7 A. Yes, sir. They leased it. One of the falls, to break a  
15:35:52 8 bunch of the yearlings or going -- the oncoming two-year-olds.  
15:35:55 9 Q. To get them ready for race season?  
15:35:57 10 A. Yes, sir.  
15:35:57 11 Q. And where is Casey's Place?  
15:35:59 12 A. It's about two miles down the road from my ranch from  
15:36:05 13 Southwest Stallion Station.  
15:36:07 14 Q. And how did it come to be that they found this Casey's  
15:36:12 15 Place? Were you involved in that?  
15:36:13 16 A. Yes, sir.  
15:36:13 17 MS. WILLIAMS: Objection. Sorry. Objection to the  
15:36:16 18 word "they." I don't know who.  
15:36:18 19 MR. GARDNER: I can break that down, your Honor.  
15:36:20 20 Q. (BY MR. GARDNER) So when you say they came to approach you  
15:36:23 21 about the facility, who is "they"?  
15:36:27 22 A. Well, initially Fernando called me about leasing stalls and  
15:36:30 23 he asked me if I had -- they needed 50 stalls.  
15:36:34 24 Q. Was this at your place, Southwest?  
15:36:36 25 A. Yes, sir.

15:36:36 1 Q. Do you have 50 stalls?

15:36:37 2 A. I said I didn't have 50 stalls and that my facility wasn't  
15:36:41 3 set up to train race horses. It was a breeding farm.

15:36:44 4 Q. And were you aware from your life experience that this Casey  
15:36:48 5 had a place?

15:36:49 6 A. Yes, sir. I knew the place because it was right down the  
15:36:52 7 road, and it wasn't really being utilized. The guy that owned  
15:36:55 8 the place wasn't training out of it anymore. He just was kind of  
15:36:59 9 leasing stalls.

15:36:59 10 Q. And were you able to act as an intermediary or agent to help  
15:37:03 11 them to rent stalls?

15:37:04 12 A. Yes, sir.

15:37:05 13 Q. And how many stalls did they rent?

15:37:07 14 A. I believe we rented around 35 stalls.

15:37:11 15 Q. Now, when the horses were there, was Carlos Nayen or  
15:37:18 16 Fernando Garcia the ones responsible for breaking and training  
15:37:21 17 them?

15:37:22 18 A. No, sir. They brought other guys to break and train them.

15:37:25 19 Q. And who were these other guys?

15:37:29 20 A. Some Spanish guys. They brought like two other -- two like  
15:37:33 21 gallop guys. And they brought, you know, just two or three  
15:37:35 22 grooms.

15:37:35 23 Q. What's a gallop guy or gallop boy?

15:37:39 24 A. Just a guy that rides the horses and breaks the horses. The  
15:37:42 25 guy that's actually on their back.

15:37:43 1 Q. And was one of these individuals a person named Ismael  
15:37:47 2 Parra?

15:37:48 3 A. Yes, sir.

15:37:48 4 Q. And how do you know him?

15:37:50 5 A. I just know him from when they came that time, that period  
15:37:53 6 of time while they were there breaking the babies. That's when I  
15:37:56 7 met him.

15:37:57 8 Q. And who introduced you to Ismael Parra?

15:38:01 9 A. Carlos and Fernando introduced me to all the guys when they  
15:38:04 10 were there.

15:38:04 11 Q. And so, did it appear to you that Mr. Parra was working for  
15:38:09 12 either Carlos Nayan or Fernando Garcia?

15:38:11 13 A. Yes, sir.

15:38:11 14 Q. And at some point, did you visit those individuals out there  
15:38:16 15 breaking and training the horses?

15:38:17 16 A. Yes, sir. I was there regularly. I mean, it's on my way  
15:38:20 17 back and forth to the ranch, and I stopped by there all the time.

15:38:25 18 Q. At some point, did you have a discussion with Mr. Parra  
15:38:27 19 about the bosses giving him the rules?

15:38:30 20 MS. WILLIAMS: Objection, your Honor. Hearsay.

15:38:32 21 A. Yes.

15:38:35 22 MS. WILLIAMS: I'm a little ahead of myself.

15:38:37 23 MR. GARDNER: I believe it's a coconspirator hearsay  
15:38:39 24 statement, your Honor. I've shown his connection with the  
15:38:41 25 members of the conspiracy.

15:38:42 1 THE COURT: Not to my satisfaction.

15:38:44 2 MR. GARDNER: Yes, your Honor.

15:38:46 3 Q. (BY MR. GARDNER) Was Mr. Parra responsible for training  
15:38:48 4 horses for Fernando Garcia and Carlos Nayan?

15:38:51 5 A. Yes, sir.

15:38:52 6 Q. Were these horses also associated with Jose Trevino?

15:38:56 7 A. Yes, sir.

15:38:56 8 Q. In what way did you come to understand they were associated  
15:38:59 9 with Jose Trevino?

15:39:01 10 A. By that point, I associated all of the horses together in my  
15:39:06 11 opinion.

15:39:07 12 Q. And were some of these horses that appeared at the Casey's  
15:39:10 13 Place, were they some of the horses that had been previously  
15:39:12 14 purchased at auction?

15:39:13 15 A. Yes, sir.

15:39:14 16 Q. And was that the auction in which Felipe Quintero bought  
15:39:18 17 horses?

15:39:18 18 A. Some of the horses, yes, sir.

15:39:19 19 Q. And what about some of the other horses?

15:39:20 20 A. Some of the other horses came from Ruidoso, I believe. Some  
15:39:24 21 of them might have come from California.

15:39:29 22 Q. And was Fernando Garcia and/or Carlos Nayan responsible for  
15:39:34 23 providing direction to Ismael Parra and the other Mexican  
15:39:39 24 nationals there regarding the training of the horses?

15:39:41 25 A. Yes, sir.

15:39:41 1 Q. So were they acting in a supervisory role?

15:39:43 2 A. Yes, sir.

15:39:44 3 Q. May I ask my question, your Honor? I'll ask it.

15:39:52 4 Did Ismael Parra talk to you about the rules of the  
15:39:57 5 bosses?

15:39:57 6 A. Yes, sir.

15:39:57 7 Q. And what did he say --

15:39:58 8 MS. WILLIAMS: Objection. Hearsay.

15:40:01 9 THE COURT: Sustained.

15:40:04 10 Q. (BY MR. GARDNER) Are you familiar with a horse called Blues  
15:40:07 11 Ferrari?

15:40:07 12 A. Yes, sir.

15:40:08 13 Q. How are you familiar with that horse?

15:40:12 14 A. I just know him as one of the horses that they ran and  
15:40:15 15 bought.

15:40:16 16 Q. Were you present at a race in California in fall of 2010?

15:40:20 17 A. Yes, sir.

15:40:21 18 Q. And who else was there?

15:40:22 19 A. Jose, Fernando, Carlos.

15:40:26 20 Q. And what race was this?

15:40:30 21 A. It was either the Golden State Million or the Los Alamitos 2  
15:40:36 22 million. I can't remember.

15:40:38 23 Q. How does that horse run?

15:40:40 24 A. He didn't run very well in the final.

15:40:42 25 Q. Did he finish last?

15:40:43 1 A. Close to last. If -- I don't think he finished. I don't  
15:40:46 2 remember. Close to last.

15:40:48 3 Q. And do you know who owned the horse at that time?

15:40:50 4 A. I believe Tremor Enterprises.

15:40:52 5 Q. And after that race, do you know what happened to that  
15:40:55 6 horse?

15:40:56 7 A. I don't know what happened to him directly after that race.  
15:40:58 8 Eventually, he came to Heritage Place sale.

15:41:02 9 Q. I'll get to that in a second.

15:41:03 10 At some point did you become aware of Rodolfo Trevino,  
15:41:09 11 Rudy Trevino working for "Chevo" Huitron?

15:41:12 12 A. Yes, sir. He was down there for a while.

15:41:15 13 Q. Down there at "Chevo's" place?

15:41:17 14 A. At Cedar Creek, yes, sir.

15:41:18 15 Q. Do you know what he did down there?

15:41:19 16 A. I don't know specifically what he did. He helped with the  
15:41:25 17 horses, I guess, to some extent, but he didn't do a whole lot.

15:41:30 18 Q. And do you know how he came to be contacted with "Chevo"  
15:41:34 19 Huitron to get that job?

15:41:35 20 A. No, sir.

15:41:41 21 Q. Did you ever become aware at some point of Jose Trevino  
15:41:44 22 paying the Huitrons cash for training to pay vet bills?

15:41:50 23 A. I never witnessed it, but it was talked about.

15:41:52 24 Q. Okay. Was it talked about by "Chevo" Huitron?

15:41:55 25 A. Yes, sir.

15:41:55 1 Q. And what did Mr. "Chevo" Huitron tell you about that?

15:41:57 2 A. Well, we discussed, you know, how he was getting paid and

15:42:01 3 how I was getting paid on a few -- on a few occasions.

15:42:06 4 Q. Paid by Jose Trevino and Carlos Nayan?

15:42:09 5 A. Yes, sir.

15:42:10 6 Q. And Fernando Garcia? And why were you having those

15:42:14 7 discussions with "Chevo" Huitron?

15:42:15 8 A. Because I had outstanding balances that were unpaid on a

15:42:18 9 regular basis, and, you know, I was always curious if I was the

15:42:21 10 only one not getting paid or getting paid late.

15:42:24 11 Q. And do you know if they would reimburse "Chevo" and Jesus

15:42:28 12 Huitron?

15:42:28 13 A. Yes, sir. I believe they were.

15:42:31 14 Q. Now, in your business who pays for vet bills?

15:42:39 15 A. Typically the vet bills are billed directly to the owners.

15:42:45 16 Q. Do you as the trainer or a stallion place, do you contract

15:42:49 17 for vet services that you then bill to the owner?

15:42:52 18 A. Not for the race horses.

15:42:56 19 Q. And are you familiar with the Elgin Veterinary Hospital?

15:42:59 20 A. Yes, sir.

15:43:00 21 Q. Is that an onsite race track vet, or is that something you

15:43:05 22 have to ship your animals to?

15:43:06 23 A. No. That's an individual -- it's just a sole-standing vet

15:43:09 24 clinic. Not at the race track.

15:43:16 25 Q. And did it ever come to your attention at some point that

15:43:19 1 the members of the organization, specifically Carlos Nayan or  
15:43:24 2 Fernando Garcia, had a horse at that vet clinic that they wanted  
15:43:29 3 you to pay for?  
15:43:30 4 A. I never paid for any of the horses.  
15:43:31 5 Q. Did they want you to pay for a horse or ask you to pay for a  
15:43:34 6 horse?  
15:43:34 7 A. No, sir. I took horses up there for the horses to be  
15:43:37 8 treated.  
15:43:37 9 Q. And who's responsible for making those payments?  
15:43:40 10 A. Fernando or Carlos.  
15:43:42 11 Q. And did "Chevo" Huitron ever discuss to you about him taking  
15:43:46 12 horses and paying for the vet bills for Jose Trevino?  
15:43:50 13 A. I didn't talk to "Chevo" specifically about that.  
15:43:54 14 Q. What kind of person is "Chevo" Huitron?  
15:43:57 15 A. He's an easygoing guy, easy to get along with. I mean, just  
15:44:05 16 one of those guys that gets along with everybody in my opinion.  
15:44:09 17 Q. Would you say he's an educated man?  
15:44:11 18 A. As far as formal education?  
15:44:15 19 Q. Correct.  
15:44:15 20 A. No, sir.  
15:44:16 21 Q. Okay. Would you agree with me that education isn't  
15:44:19 22 necessarily a sign of intelligence?  
15:44:21 23 A. Yes, sir.  
15:44:22 24 MR. ESPER: Objection, your Honor. Calls for a  
15:44:23 25 conclusion. Improper opinion, your Honor. I think that invades



15:44:30 1 the province of the jury.

15:44:32 2 THE COURT: It's been asked and answered.

15:44:35 3 MR. GARDNER: I could move on to the next question.

15:44:36 4 THE COURT: I think so. If we debated that, we might  
15:44:38 5 be here for a long time. It was an unnecessary question and an  
15:44:45 6 unnecessary objection and an unnecessary loss of time for me  
15:44:49 7 because I caused the loss of time. So let's go on to the next  
15:44:54 8 question.

15:44:54 9 Q. (BY MR. GARDNER) You say that "Chevo" Huitron's an  
15:44:56 10 intelligent individual?

15:44:57 11 A. Yes, sir.

15:44:58 12 Q. Does he know his way around the race track?

15:45:00 13 A. Yes, sir.

15:45:00 14 Q. Can he speak English?

15:45:04 15 A. He speaks fairly decent English.

15:45:07 16 Q. Can you have a conversation with him in English?

15:45:08 17 A. Yes, sir.

15:45:09 18 Q. Do you know if he can read a race program?

15:45:12 19 A. I would say he could read a race program.

15:45:15 20 Q. How difficult is it to train a horse to win?

15:45:20 21 A. I think it's extremely difficult.

15:45:22 22 Q. There's a lot of factors that go into producing a winning  
15:45:25 23 race horse?

15:45:25 24 A. Yes, sir.

15:45:26 25 MS. WILLIAMS: Objection. Leading.

15:45:29 1 THE COURT: Let's not lead.

15:45:31 2 Q. (BY MR. GARDNER) Would you say that "Chevo" Huitron is a

15:45:34 3 good trainer?

15:45:34 4 A. Yes, sir. I would say he's a good trainer.

15:45:37 5 Q. Does he know how to get a horse to the track and enter it?

15:45:40 6 A. Yes, sir.

15:45:40 7 Q. And race it? Did you ever do business with "Chevo" Huitron?

15:45:45 8 A. Yes, sir. I've done business with "Chevo."

15:45:47 9 Q. And what kind of business?

15:45:48 10 A. He's trained horses for me. I've bred mares for him.

15:45:50 11 Q. And how far apart are your facilities?

15:45:53 12 A. About 35 miles.

15:45:57 13 Q. And do you know Jesus or Jesse Huitron?

15:46:00 14 A. Yes, sir.

15:46:00 15 Q. And how do you know him?

15:46:02 16 A. I just know him through "Chevo." They're brothers.

15:46:04 17 Q. Have you ever done business with Jesse Huitron?

15:46:07 18 A. Yes, sir. I've done business with Jesse.

15:46:09 19 Q. And what kind of business?

15:46:10 20 A. I've bred mares for him. I've stood a stallion for him one

15:46:13 21 time.

15:46:13 22 Q. And would you say he's an intelligent individual?

15:46:16 23 A. Yes, sir.

15:46:17 24 Q. Now, are you familiar with the business that the Huitrons

15:46:19 25 have, Huitron Homes, Huitron Painting?

15:46:21 1 A. Yes, sir.

15:46:22 2 Q. All right. Who runs that business?

15:46:24 3 A. Jesse.

15:46:27 4 Q. In what way?

15:46:29 5 A. I mean, he's owner or boss and manager of the company,  
15:46:36 6 especially the home building.

15:46:38 7 Q. So who handles the accounts for the Huitron Homes to your  
15:46:41 8 knowledge?

15:46:41 9 A. Jessica Huitron handled it for a while.

15:46:45 10 Q. And who is Jessica Huitron?

15:46:46 11 A. That's one of Jesse's daughters.

15:46:50 12 Q. And did she make any of the decisions in that business?

15:46:54 13 A. No, sir.

15:46:55 14 MR. ESPER: Objection, your Honor. This witness is not  
15:46:58 15 -- this is of his own personal knowledge. I object to  
15:47:01 16 speculation.

15:47:02 17 MR. GARDNER: I'll ask him.

15:47:04 18 Q. (BY MR. GARDNER) To your knowledge, did Jessica Huitron make  
15:47:06 19 any business decisions in that business?

15:47:07 20 A. No, sir.

15:47:08 21 Q. Who was making the business decisions to your knowledge?

15:47:10 22 A. In Huitron Homes?

15:47:12 23 Q. Yes.

15:47:12 24 A. Jesse.

15:47:13 25 Q. Okay. Now, I want to turn to the Blues Ferrari auction in

15:47:23 1 2011. Is that the winter mixed sale?

15:47:26 2 A. Yes, sir.

15:47:26 3 Q. And how were you approached -- were you approached to sell

15:47:32 4 Blues Ferrari?

15:47:32 5 A. Yes, sir.

15:47:33 6 Q. And who approached you to do that?

15:47:34 7 A. Jose.

15:47:38 8 Q. And how long before that auction did you get Blues Ferrari

15:47:42 9 to prep for that auction?

15:47:43 10 A. He was shipped straight to the auction. I didn't have him

15:47:45 11 before the sale.

15:47:46 12 Q. So how many days before the auction did you encounter that

15:47:49 13 horse?

15:47:50 14 A. One day before the sale, I guess.

15:47:52 15 Q. And in your opinion as an agent, someone in the horse

15:48:00 16 industry, did he come into that barn sale ready?

15:48:04 17 MS. WILLIAMS: Your Honor, I'm going to object to this

15:48:07 18 witness' opinion.

15:48:08 19 THE COURT: I'll overrule the objection.

15:48:10 20 Q. (BY MR. GARDNER) You may answer that question.

15:48:12 21 A. He was in poor condition.

15:48:16 22 Q. Do you know an individual named Alfonso Del Rayo?

15:48:19 23 A. Yes, sir.

15:48:19 24 Q. And when did you meet him?

15:48:21 25 A. At that sale.

15:48:22 1 Q. And could you describe to the jury what you observed about  
15:48:26 2 his physical appearance?  
15:48:27 3 A. He looked beat-up.  
15:48:30 4 Q. Okay. Did Mr. Del Rayo have a reason for his injuries that  
15:48:34 5 he stated to you?  
15:48:34 6 A. He said it was a golfing accident.  
15:48:38 7 Q. Looked like a pretty severe golfing accident?  
15:48:41 8 A. Pretty severe.  
15:48:43 9 Q. At that time were you aware that Mr. Del Rayo had been  
15:48:48 10 kidnapped?  
15:48:48 11 A. No, sir.  
15:48:49 12 Q. So how much did that horse go for?  
15:48:53 13 A. I believe \$330,000 or \$350,000.  
15:48:59 14 Q. And who was the ultimate buyer?  
15:49:01 15 A. Mr. Del Rayo.  
15:49:06 16 Q. Were you involved in the payment of the purchase price of  
15:49:12 17 that horse to Heritage Place?  
15:49:14 18 A. No, sir. I wasn't directly involved.  
15:49:18 19 Q. So after that particular auction, we turn to the 2011  
15:49:22 20 breeding season. Did Jose Trevino and Carlos Nayan owe you any  
15:49:30 21 money for your Southwest Stallion Station breeding services?  
15:49:35 22 A. In 2011?  
15:49:36 23 Q. Yeah. The beginning of 2011.  
15:49:38 24 A. They might have owed me -- I don't think it was a large  
15:49:40 25 amount at the beginning of the year.

15:49:42 1 Q. At some point, were you contacted about making a trip to  
15:49:45 2 Laredo to pick up payment?

15:49:46 3 A. Yes, sir.

15:49:47 4 Q. All right. Could you describe that to the jury, please?

15:49:49 5 A. That's when I started dealing with Victor Lopez and, you  
15:49:57 6 know, they said, we have cash in Laredo if you want to come get  
15:49:59 7 it.

15:50:00 8 MS. WILLIAMS: Object, your Honor, to the "they."

15:50:03 9 A. Sorry. Victor Lopez.

15:50:05 10 Q. (BY MR. GARDNER) Let me back up a second. So when did you  
15:50:07 11 first meet Victor Lopez?

15:50:08 12 A. I didn't meet him till later in the breeding season when he  
15:50:12 13 eventually came to the ranch.

15:50:13 14 Q. So were you first contacted by --

15:50:15 15 A. By phone.

15:50:16 16 Q. By phone. And how did he identify himself?

15:50:19 17 A. He just -- he had my Nextel number. I had a Nextel at the  
15:50:22 18 time, and he -- you know, he said, hey, this is Victor. I'm  
15:50:24 19 going to be, you know, helping with the payment and the bills,  
15:50:28 20 and picking semen up, and things of that nature.

15:50:31 21 Q. And so, was it -- Ms. Williams asked you who was the "they."  
15:50:36 22 Was it Victor Lopez who said he had money in Laredo?

15:50:36 23 A. Yes, sir.

15:50:40 24 Q. All right. Could you describe that to the jury what Victor  
15:50:42 25 Lopez said?

15:50:42 1 A. He said, hey, I got the money for the bills if you want to  
15:50:45 2 come to -- cash if you want to come to Laredo and get it.

15:50:49 3 Q. And at that time, did you inform Special Agent Scott Lawson  
15:50:52 4 about that?

15:50:53 5 A. Yes, sir.

15:50:53 6 Q. And did you actually go to Laredo to collect that cash?

15:50:58 7 A. Not at that time.

15:51:00 8 Q. Was that cash collected on your behalf by federal law  
15:51:05 9 enforcement agents?

15:51:06 10 A. Yes, sir.

15:51:06 11 Q. All right. And do you recall how much cash that was?

15:51:09 12 A. I think it was around 55,000 or something like that.

15:51:18 13 Q. Now, by this time, had you signed a number of what are  
15:51:22 14 called OIA agreements with the FBI?

15:51:25 15 A. Yes, sir.

15:51:26 16 Q. What is your understanding of an OIA agreement?

15:51:30 17 A. It was just an agreement, document that I signed that  
15:51:32 18 basically, you know, said that I was under the watch of the FBI,  
15:51:39 19 not to practice any illegal activity without their authority.

15:51:43 20 Q. And so, when you conducted business on behalf of Jose  
15:51:47 21 Trevino and Carlos Nayan, would you inform Special Agent Scott  
15:51:52 22 Lawson?

15:51:53 23 A. Yes, sir.

15:51:53 24 Q. And how often would you have to renew that OIA authority?

15:51:57 25 A. I believe we did it every 90 days.

15:51:59 1 Q. And do you understand what OIA stands for?

15:52:02 2 A. Yes, sir. I think it's otherwise illegal activity.

15:52:10 3 Q. So when you get that money from Victor Lopez, what do you do  
15:52:14 4 with it?

15:52:15 5 A. We deposited it. It went against the bill at Southwest  
15:52:19 6 Stallion Station.

15:52:19 7 Q. The bill for who?

15:52:21 8 A. For Carlos Nayan and -- I don't remember. We had other  
15:52:25 9 names at that time.

15:52:26 10 Q. Let's talk about that a little bit. So what names were the  
15:52:32 11 horses that were being brought to you put into?

15:52:35 12 A. Initially they were put into a list of names. Can't  
15:52:41 13 remember all of them, but Carlos Nayan, Francisco Colorado, Pedro  
15:52:49 14 Alcala, Hernando Guerra. There was quite a few more, I think.

15:52:52 15 Q. And so, who was directing you to put various horses into  
15:52:56 16 various names?

15:52:57 17 A. Carlos.

15:52:58 18 Q. And who was paying the bills for those horses?

15:53:00 19 A. Carlos.

15:53:01 20 Q. Would you receive any payments from these individuals that  
15:53:05 21 you just named for their specific accounts?

15:53:08 22 A. No, sir.

15:53:08 23 Q. So how would you make the accounting for what moneys went  
15:53:14 24 against what bills?

15:53:17 25 A. Well, until I consolidated a lot of the horses, I would just



15:53:21 1 -- when I got payment of cash, or wire, or however I got the  
15:53:25 2 payment, I would just clear out the accounts and credit it  
15:53:29 3 towards the individual accounts.

15:53:32 4 Q. And you say at some point till you combine the accounts,  
15:53:35 5 what do you mean by combining the account?

15:53:37 6 A. Well, at some point, I took like Pedro Alcala, Hernando  
15:53:43 7 Guerra, and a few of the other small accounts and just put them  
15:53:45 8 all under Carlos' name.

15:53:46 9 Q. Now, you talked about the FBI providing you a telephone.  
15:53:51 10 Was that in April 2011?

15:53:52 11 A. Yes, sir. Sounds like.

15:53:54 12 Q. And what did you understand that phone to be?

15:53:58 13 A. It was a phone at -- I mean, I used it for work, but it was  
15:54:05 14 a phone they could listen -- hear all the conversations I had on  
15:54:08 15 it.

15:54:08 16 Q. I'm showing you Government's Exhibit 360A. Is that your  
15:54:11 17 initials on that disc, sir?

15:54:12 18 A. Yes, sir.

15:54:13 19 Q. And I'm showing you Government's Exhibit 360B. Are these a  
15:54:17 20 set of transcripts that you've had the opportunity to listen to  
15:54:19 21 and make corrections?

15:54:21 22 A. Yes.

15:54:22 23 Q. And who generally are speaking on these calls?

15:54:26 24 A. Fernando, Victor Lopez, I think Carlos may be on a couple of  
15:54:33 25 them, Jose on few of them.

15:54:34 1 Q. Jose Trevino?

15:54:35 2 A. Yes, sir.

15:54:36 3 Q. All right. And are they all calling you and talking to you?

15:54:38 4 A. Yes, sir.

15:54:39 5 Q. All right. And to the best of your knowledge, after

15:54:41 6 reviewing these transcripts and being provided the opportunity to

15:54:45 7 make corrections to them, are they true and accurate to the best

15:54:48 8 of your knowledge?

15:54:49 9 A. Yes, sir.

15:54:49 10 Q. Your Honor, I'd offer Government's Exhibit 360A and 360B,

15:54:56 11 transcripts of the calls that have been provided to defense

15:54:59 12 attorneys some time ago.

15:55:02 13 MR. WOMACK: No objection, your Honor.

15:55:03 14 MS. WILLIAMS: No objection.

15:55:05 15 THE COURT: All right. 360A and B are admitted.

15:55:19 16 MR. GARDNER: Could we play call No. 341? Your Honor,

15:55:23 17 call No. 341 is dated April 28th, 2011.

15:55:35 18 (Audio file played.)

15:56:59 19 Q. (BY MR. GARDNER) Who's speaking on this call, Mr. Graham?

15:57:02 20 A. Me and Victor Lopez.

15:57:04 21 Q. All right. When you referred to Fernando, is that Fernando

15:57:08 22 Garcia?

15:57:08 23 A. Yes, sir.

15:57:09 24 Q. And when you referred to Carlos, that's Carlos Nayan?

15:57:11 25 A. Yes, sir.

15:57:12 1 Q. All right. And with respect to -- could you go back to the  
15:57:17 2 last page on the screen itself, at the bottom, please? In these  
15:57:26 3 red marks on the screen, is that your handwritten  
15:57:29 4 interpretations?

15:57:30 5 A. Yes, sir.

15:57:39 6 Q. And when Victor Lopez says, whoever we pay, what does he  
15:57:45 7 mean by that?

15:57:46 8 A. He was referring to, like I said, the list of names and  
15:57:50 9 accounts that I had that we had consolidated at the time, I  
15:57:53 10 guess.

15:57:53 11 Q. And so, on the next page, without going into it, it talks  
15:57:57 12 about Francisco Colorado. Is that one of the accounts?

15:58:00 13 A. Yes, sir. But that he wasn't talking about that account.  
15:58:02 14 They usually kept that one separate.

15:58:04 15 Q. They kept that one separate?

15:58:06 16 A. Yes, sir.

15:58:07 17 Q. And who would still pay for that account?

15:58:08 18 A. Well, I never received payment on that account, actually,  
15:58:13 19 but it was always, you know -- they always made it to me like he  
15:58:19 20 was going to pay personally for that account.

15:58:20 21 Q. And who controlled or gave you instructions with respect to  
15:58:24 22 the horses under Francisco Colorado's name?

15:58:27 23 A. Fernando and Carlos.

15:58:33 24 Q. Now, how did these individuals communicate?

15:58:39 25 A. Mainly through Nextel.

15:58:41 1 MS. WILLIAMS: Objection, your Honor. These  
15:58:43 2 individuals.

15:58:44 3 Q. (BY MR. GARDNER) How did Fernando Garcia and Jose Trevino  
15:58:47 4 and Carlos Nayan and Victor Lopez communicate among themselves?

15:58:50 5 A. Mainly through Nextel or BlackBerry.

15:58:53 6 Q. And I want to turn your attention to a date in April 2011.

15:59:00 7 Did Victor Lopez provide a phone to you?

15:59:02 8 A. Yes, sir.

15:59:03 9 Q. And was that phone for you?

15:59:05 10 A. No, sir.

15:59:06 11 Q. Who was that phone for?

15:59:07 12 A. He said to give it to Jose.

15:59:09 13 Q. All right. And were you able to -- how was that phone  
15:59:14 14 packaged?

15:59:14 15 A. It was just in a paper bag, as I remember.

15:59:16 16 Q. Okay. And did you open up the paper bag?

15:59:17 17 A. Yes, sir.

15:59:18 18 Q. And after getting the phone, did you contact Special Agent  
15:59:20 19 Scott Lawson?

15:59:21 20 A. Yes, sir.

15:59:22 21 Q. And based on your conversations with him, what did you do  
15:59:24 22 with that phone?

15:59:25 23 A. I believe I turned it on, went through contacts or went  
15:59:29 24 through whatever he asked me to go through.

15:59:31 25 Q. And what contacts did you discover or just the number of

15:59:36 1 contacts?

15:59:36 2 A. It was -- I don't remember specific contacts. I don't

15:59:39 3 remember there being a whole lot of contacts, though.

15:59:42 4 Q. And what did you do with that phone?

15:59:44 5 A. Jose came by the next couple of days and gave it to me.

15:59:52 6 Q. Now, with respect to the phones, did Carlos Nayan have

15:59:59 7 multiple phones that he would contact you on?

16:00:03 8 A. Yes, sir. He used several phones.

16:00:06 9 Q. And was this at the same time or was this over a period of

16:00:09 10 time which he gave --

16:00:10 11 A. They would change randomly all the time.

16:00:12 12 Q. What about Fernando Garcia?

16:00:14 13 A. Fernando had a few phones, but he didn't change his as

16:00:17 14 often.

16:00:18 15 Q. But he did change his phone?

16:00:19 16 A. Yes, sir.

16:00:19 17 Q. Now, at some point, did you have a lunch meeting with

16:00:30 18 Fernando Garcia?

16:00:32 19 A. Yeah. We had lunch several times.

16:00:35 20 Q. Did you have lunch with just you and Fernando Garcia on one

16:00:38 21 occasion without Carlos Nayan being present?

16:00:44 22 A. I could have.

16:00:45 23 Q. Well, let me ask you this question. Did you ever ask

16:00:48 24 Fernando Garcia how he ever got involved with this group of guys,

16:00:52 25 these group of guys being Jose Trevino and Carlos Nayan?

16:00:55 1 A. Oh, yes, sir. We discussed that.

16:00:58 2 Q. And what was Fernando Garcia's response?

16:01:00 3 A. Just said that he had known Carlos from when they were  
16:01:03 4 younger in Mexico and that Carlos had asked him to, you know,  
16:01:06 5 help him -- come along and help him, you know, run their racing  
16:01:10 6 operation in the U.S.

16:01:15 7 Q. In the U.S. Did Fernando Garcia state to Carlos Nayan --  
16:01:20 8 would tell him about making trips to Mexico?

16:01:22 9 A. Yeah. But Fernando talked to me like it was, you know, he  
16:01:25 10 only wanted to help him on this side.

16:01:29 11 Q. And not go to Mexico?

16:01:32 12 A. Right.

16:01:34 13 Q. At some point around that lunchtime, were you told that  
16:01:38 14 Carlos Nayan wasn't able to come to the United States?

16:01:42 15 A. I don't remember it was the same day, but at some point,  
16:01:44 16 they did tell me that he wasn't going to be able to come. Wasn't  
16:01:47 17 going to be able to come for a while.

16:01:48 18 Q. And what did they say the reason was?

16:01:50 19 A. They didn't give a good reason. I assumed it was for visa  
16:01:54 20 or some kind of passport problem or something.

16:01:58 21 Q. Are you familiar with the horse called Separate Fire?

16:02:01 22 A. Yes, sir.

16:02:02 23 Q. And how are you familiar with that horse?

16:02:03 24 A. She's a horse that came out of the yearling sale in  
16:02:08 25 Oklahoma. It's one of the horses I hauled home, actually, from

16:02:11 1 that sale.

16:02:11 2 Q. Okay. At Heritage Place?

16:02:13 3 A. Yes, sir.

16:02:13 4 Q. And who purchased that horse at auction?

16:02:22 5 A. I think that might have been one of the ones Felipe  
16:02:26 6 purchased, his agent.

16:02:28 7 Q. And was Jose Trevino ever listed as the owner on that horse  
16:02:33 8 at the time of the auction?

16:02:33 9 A. No, sir. Not that I know of.

16:02:35 10 Q. Are you familiar with a quote that Jose Trevino gave with  
16:02:38 11 respect to that horse after he won a race?

16:02:43 12 A. Yes, sir.

16:02:43 13 Q. And what was that quote?

16:02:45 14 A. Just basically --

16:02:46 15 MS. WILLIAMS: Excuse me, your Honor, hearsay.

16:02:52 16 THE COURT: Put me in circumstance what a quote was and  
16:02:58 17 for what purpose. He's trying to sell the horse?

16:03:00 18 MR. GARDNER: No, your Honor. It's a quote following  
16:03:05 19 the horse winning a race. Separate Fire winning a race.

16:03:09 20 THE COURT: Oh, a quote meaning just what he said?

16:03:11 21 MR. GARDNER: What Jose Trevino said.

16:03:12 22 THE COURT: I'll sustain the objection.

16:03:15 23 Q. (BY MR. GARDNER) After Separate Fire arrives at your place,  
16:03:25 24 who comes to visit and look at that horse?

16:03:27 25 A. Jose came by to look -- I mean, he was at the ranch all the

16:03:31 1 time. Not saying he came by to look at her.

16:03:37 2 Q. And did he indicate that that was his horse at that time?

16:03:41 3 A. No, sir. Not at that time.

16:03:44 4 Q. And you talked to me about giving him a bridle at one point  
16:03:50 5 with Separate Fire on it. When was that?

16:03:52 6 A. Yeah, had a halter with her name on it that I gave to him  
16:03:55 7 after she won the kindergarten. It was a halter she came with  
16:03:58 8 when she was purchased.

16:03:59 9 Q. And whose horse was Separate Fire after the kindergarten?

16:04:03 10 A. It was under Tremor Enterprises.

16:04:09 11 Q. At some point, were you ever provided an e-mail address by  
16:04:13 12 Victor Lopez?

16:04:14 13 A. Yes, sir.

16:04:14 14 Q. And do you recall what that e-mail address was?

16:04:17 15 A. It was Anri, A-N-R-I. I can't remember the whole e-mail.

16:04:21 16 Q. Had a few numbers behind it?

16:04:23 17 A. Yes, sir.

16:04:24 18 Q. Was that a Hotmail account?

16:04:25 19 A. Yes, sir.

16:04:25 20 Q. Could you please play call 799, dated July 13th of 2011?

16:05:20 21 THE COURT: What was the date again?

16:05:22 22 MR. GARDNER: The date of that call was July 13th,  
16:05:25 23 2011.

16:05:25 24 (Audio file played.)

16:05:48 25 Q. (BY MR. GARDNER) And who's speaking on that call, Mr.



16:06:17 1 Graham?

16:06:17 2 A. Me and Fernando Garcia.

16:06:19 3 Q. And was that the A-N-R-I e-mail that you previously talked  
16:06:23 4 about?

16:06:24 5 A. Yes, sir.

16:06:24 6 Q. And you had -- had you and Mr. Fernando Garcia discussed  
16:06:27 7 that e-mail previously?

16:06:29 8 A. I don't believe so.

16:06:31 9 Q. And when they're talking about the fax is not working, what  
16:06:36 10 are they talking about there?

16:06:36 11 A. They'd given me a fax number to send the invoices to. I  
16:06:40 12 think they had called my office and given the fax, like a fax  
16:06:44 13 number.

16:06:45 14 Q. And do you know where that fax number was going to?

16:06:48 15 A. I assumed it was going -- probably going to Laredo.

16:06:51 16 Q. Was it 956 area code?

16:06:54 17 A. I don't remember the specific number.

16:06:57 18 Q. Could we play call 491? Your Honor, that's dated May 16th  
16:07:02 19 of 2011.

16:07:24 20 (Audio file played.)

16:08:33 21 Q. When he talks earlier about we already sent 223, right, how  
16:08:38 22 much money was that?

16:08:38 23 A. \$223,000.

16:08:40 24 Q. And how was that paid to you?

16:08:42 25 A. I believe that was through wires.

16:08:46 1 Q. And then, later on, you say, so the balance keeps running.  
16:08:50 2 The problem is y'all keep getting me in a jam with Jose. What do  
16:08:55 3 you mean by that?  
16:08:55 4 A. Well, they were sending money, some would go towards bills  
16:08:59 5 and then, some to pay Tempting Dash stud fees. But they would --  
16:09:05 6 you know, I had these big bills rolling up and all the money they  
16:09:07 7 were sending, they wanted to pay the stud fees first.  
16:09:10 8 Q. And how much stud fees was Jose Trevino generating through  
16:09:16 9 Tempting Dash and Mr. Piloto?  
16:09:17 10 A. Yeah.  
16:09:18 11 Q. How much?  
16:09:18 12 A. Several hundred thousand by the end of the year.  
16:09:23 13 Q. And who was buying these breedings?  
16:09:26 14 A. The ones they're talking about, Carlos was buying.  
16:09:29 15 Q. And Carlos Nayan was buying breedings from Jose Trevino?  
16:09:32 16 A. Yes, sir.  
16:09:34 17 Q. And were you actually collecting the breedings from these  
16:09:37 18 two horses?  
16:09:37 19 A. Yes, sir.  
16:09:38 20 Q. And where were the mares located to impregnate?  
16:09:43 21 A. They were in Elgin at my ranch.  
16:09:51 22 Q. So explain to me, again, what would Jose do when you would  
16:09:55 23 get money in terms of getting you in trouble?  
16:09:58 24 A. Well, just, you know, I had all these horses to take care of  
16:10:02 25 at the ranch, and I'd have, say, a \$200,000 bill, and they'd have

16:10:07 1 150,000 they owed in stud fees, and they'd always want to pay  
16:10:10 2 that first. And, you know, so, in other words, they were sending  
16:10:14 3 money to me, but they were wanting to put all that money towards  
16:10:18 4 stud fees, which, you know, I, in turn, was having to, you know,  
16:10:20 5 pay Jose for -- I mean, give Jose the money for stud fees. And  
16:10:25 6 like I explained to them on the call, I've got to have some of  
16:10:27 7 this money coming across to put toward my bills, you know,  
16:10:30 8 because I had bills to pay to take care of the horses.

16:10:33 9 Q. For the breeding and the --

16:10:35 10 A. Yes, sir.

16:10:35 11 Q. -- boarding and care?

16:10:37 12 In your business, what's the normal procedure in terms  
16:10:40 13 of paying an owner his stud fees?

16:10:43 14 A. Typically the way we've always one done it at our stud farm  
16:10:47 15 for years and year is we collect all the stud fees at our farm,  
16:10:50 16 and at the end of the year when breeding season is over, we, you  
16:10:54 17 know, write a check or whatever we owe the -- whatever percentage  
16:10:59 18 or whatever deal we had worked out with the stud owner, we paid  
16:11:01 19 it. We settled up at the end of the year.

16:11:03 20 Q. And was that the same procedure that Jose Trevino asked you  
16:11:06 21 to do?

16:11:06 22 A. No. We were paying Jose stud fees just kind of regularly as  
16:11:10 23 they came in. It wasn't a specific date, but it was just as the  
16:11:14 24 money came in and as Jose was by the ranch, we'd write him  
16:11:20 25 checks.

16:11:20 1 Q. And how soon after you received money from whether it was  
16:11:23 2 Victor or Carlos or Fernando would Jose come and ask for stud fee  
16:11:27 3 money?

16:11:27 4 A. He was usually there within a couple of days or pretty soon  
16:11:30 5 after. A lot of times, the next day.

16:11:33 6 Q. Do you know if he was aware through your conversations with  
16:11:36 7 him that payment had been received by Southwest Stallion Station?

16:11:40 8 A. Seemed that he was.

16:11:42 9 Q. Now, breedings of Tempting Dash and Mr. Piloto, whose horses  
16:11:48 10 were they breeding these horses to?

16:11:51 11 A. Well, at the time all the -- the majority of the mares there  
16:11:56 12 besides the one under Francisco Colorado's names, I assume Carlos  
16:12:00 13 or -- I really didn't know technically who owned them on the  
16:12:05 14 registration paper. I just knew who was managing them.

16:12:06 15 Q. And who was managing these horses?

16:12:08 16 A. Carlos.

16:12:08 17 Q. Could you finish the call, please?

16:12:14 18 (Audio file played.)

16:14:52 19 Q. Based on that call, were you given specific directions on  
16:14:57 20 how to apply moneys to which accounts?

16:14:58 21 A. That's what I tell him on the call, I'll get -- you know, I  
16:15:03 22 got wires in or get sums of money in, and I couldn't get anybody  
16:15:06 23 to tell me how to divide it, or where to split it up, or what to  
16:15:10 24 apply it to.

16:15:11 25 Q. So you just took your own initiative and applied it?

16:15:14 1 A. Yes, sir.

16:15:14 2 Q. And the last part there about you telling Jose that you  
16:15:18 3 didn't get any money, what does that refer to?

16:15:20 4 A. Well, I mean, I was just complaining to Jose that, you know,  
16:15:24 5 I have these large accounts receivable, you know, and just kind  
16:15:31 6 of like I was saying on the call. I mean, at some point, I'm not  
16:15:34 7 a bank. I've got to be paid for my services.

16:15:39 8 Q. Can we bring up call 582? Your Honor, 582 is dated June 1st  
16:15:45 9 of 2011.

16:15:54 10 (Audio file played.)

16:17:42 11 Q. That call's in June of 2011. When was Blues Ferrari sold?

16:17:48 12 A. I believe in January of 2011.

16:17:51 13 Q. And Mr. Del Rayo ever contact you with respect to getting  
16:17:55 14 that AQHA paperwork?

16:17:57 15 A. No, sir.

16:17:58 16 Q. What happened to Blues Ferrari after that sale?

16:18:02 17 A. He came back to Southwest Stallion Station initially.

16:18:06 18 Q. And what happened with that?

16:18:07 19 A. After that? After that, they picked him up and I assumed  
16:18:12 20 they went to Mexico.

16:18:13 21 Q. And now, in this call that's you and who else?

16:18:17 22 A. That's me and Fernando.

16:18:18 23 Q. And when -- Fernando identifies my little brother, had he  
16:18:22 24 used that name in connection with somebody else previously?

16:18:25 25 A. Yeah. We always kind of joked about that, talking about

16:18:27 1 Carlos Nayan.

16:18:32 2 Q. And, again, with respect to Blues Ferrari, did Mr. Del Rayo  
16:18:36 3 ever come asking for those registration papers?

16:18:38 4 A. No, sir.

16:18:39 5 Q. Did you have an understanding that Fernando Garcia was  
16:18:43 6 acting as Mr. Del Rayo's agent?

16:18:48 7 A. I mean, I just kind of had an understanding that it was all  
16:18:55 8 -- I wouldn't say that he was Mr. Del Rayo's agent.

16:19:04 9 Q. Play call 672. 672 is dated on June 17th of 2011.

16:19:18 10 (Audio file played.)

16:21:05 11 Q. He's talking about Feature Honor. At that point in June of  
16:21:09 12 2011, who did Feature Honor belong to?

16:21:11 13 A. Yeah. I was mistaken earlier. It was 2011 with Feature  
16:21:15 14 Honor, not 2010.

16:21:16 15 Q. And was that horse running under Tremor Enterprises at that  
16:21:21 16 point?

16:21:21 17 A. I don't think he ran under Tremor in the Adequan Derby.

16:21:27 18 Q. Was that running under Carlos Nayan at that point?

16:21:29 19 A. Carlos Nayan and one of business names.

16:21:33 20 Q. When you said business names, what business names do you  
16:21:36 21 recall being used?

16:21:37 22 A. They used several of them, like Carmina, LLC, or Fast And  
16:21:41 23 Furious, or Poker Ranch. I can't remember all of them.

16:21:48 24 Q. Now, in this part just above the cutoff line there, it says,  
16:21:52 25 we all don't win enough for as many horses as we have. How many

16:21:56 1 horses did you understand them to have when Fernando makes that  
16:22:03 2 statement?

16:22:03 3 A. They probably had 50 or 60 in training. I'm just guessing.

16:22:08 4 Q. And were you aware the bloodlines on any of those horses?

16:22:14 5 A. Yes, sir.

16:22:14 6 Q. And how would you rate their -- I'll call it crop, crop of  
16:22:17 7 horses in terms of bloodlines?

16:22:20 8 A. They were top of the breed.

16:22:24 9 Q. Is that an expensive purchase to purchase that many horses  
16:22:29 10 at the top of the breed?

16:22:30 11 A. Yes, sir. Typically.

16:22:31 12 Q. Based on your conversations with Fernando Garcia, would you  
16:22:37 13 consider him a horse expert?

16:22:42 14 A. I don't think we have any horse experts in our business.

16:22:49 15 Q. Is it hard with an unlimited checkbook to pick the best  
16:22:54 16 horses?

16:22:54 17 A. It's not hard to pick the best pedigreed ones.

16:22:57 18 Q. And is the pedigree or bloodline any predictor of success on  
16:23:02 19 the race track?

16:23:05 20 A. Well, it will enhance your success.

16:23:08 21 Q. But will it guarantee your success?

16:23:09 22 A. No, sir.

16:23:10 23 Q. Could we play call No. 754, please? 754 is dated July 1,  
16:23:34 24 2011.

16:23:35 25 (Audio file played.)

16:24:21 1 Q. Did Victor Lopez or Fernando Garcia or Carlos Nayan seem to  
16:24:25 2 have a good grasp at any time of the number of horses they had  
16:24:29 3 stabled with you?

16:24:29 4 A. I won't say Victor did.

16:24:31 5 Q. What about the other two individuals?

16:24:33 6 A. I think Fernando had a pretty good grasp of it most times.

16:24:37 7 Q. Was this the only call of this nature that you got with  
16:24:40 8 respect to find out how many horses they had?

16:24:42 9 A. No. They called on a regular basis. Maybe not for total  
16:24:45 10 number, but they always wanted updates on how many embryos and  
16:24:50 11 how many mares we had in foal and things of that nature.

16:24:53 12 Q. And was that horses for across all of the accounts?

16:24:57 13 A. Yes, sir.

16:24:57 14 Q. And do you recall some of the other names the accounts were  
16:25:00 15 being put in?

16:25:01 16 A. Like I said earlier, it was Francisco Colorado, Pedro  
16:25:06 17 Alcala, Hernando Guerra. There were a couple in Fernando's name  
16:25:11 18 individually. Of course, Carlos was a big account. And then,  
16:25:15 19 there was a list of other ones.

16:25:18 20 Q. If I were to say the name Nian Hernandez, would that refresh  
16:25:23 21 your recollection?

16:25:23 22 A. Yes, sir. I believe we had some under that name.

16:25:25 23 Q. And what about Santa Fe Roldan?

16:25:28 24 A. Yes, sir. I don't believe I had any horses at the ranch. I  
16:25:31 25 think we shipped semen on those.



16:25:33 1 Q. Efrain Aguallo?

16:25:35 2 A. Yes, sir.

16:25:37 3 Q. What about Victor Nieto?

16:25:40 4 A. I'd have to look at my bills. I don't remember that one  
16:25:43 5 specifically.

16:25:44 6 Q. All these smaller accounts, did you ever meet any of these  
16:25:47 7 individuals?

16:25:47 8 A. No, sir.

16:25:56 9 Q. At some point, you mentioned an individual by the name of  
16:25:59 10 Sergio Rincon. Did he ever come to work for "Chevo" Huitron?

16:26:05 11 A. I don't think he was ever working for "Chevo." I think he  
16:26:08 12 was working for them at "Chevo's."

16:26:10 13 Q. And what gave you that impression?

16:26:12 14 A. It was like I said earlier, he was always hauling their  
16:26:15 15 horses or -- I mean, that was the main thing. Helped them  
16:26:18 16 transport horses a lot of times and, you know, a lot of horses --  
16:26:22 17 at some points they had several horses, quite a few horses at  
16:26:25 18 "Chevo's," so he was down there often.

16:26:29 19 Q. Could you play call No. 790, dated July 12, 2011?

16:26:40 20 (Audio file played.)

16:29:25 21 Q. Who's talking in that call, Mr. Graham?

16:29:28 22 A. Fernando.

16:29:30 23 Q. And when he talks about Victor and the accountant, did you  
16:29:34 24 ever meet the accountant?

16:29:34 25 A. No, sir.

16:29:35 1 Q. Did you ever come to learn the name of the accountant?

16:29:37 2 A. No, sir.

16:29:39 3 Q. Did Fernando Garcia or Carlos Nayan or Victor Lopez or Jose

16:29:46 4 Trevino ever mention the name of "Yo Yo"?

16:29:48 5 A. Not to me.

16:29:50 6 Q. Did they have trouble paying their bills?

16:29:55 7 A. They always paid their bills, but it took a while.

16:29:58 8 Q. And when you say --

16:30:00 9 A. I'm talking about for me.

16:30:01 10 Q. For you, correct. And when you say you previously provided

16:30:04 11 them the wiring instructions, did they seem to have trouble

16:30:07 12 wiring you funds?

16:30:09 13 A. Yes, sir. I mean, I just sent them a copy of -- it was just

16:30:13 14 a form that my bank had sent me that I scanned and sent to them.

16:30:18 15 Q. Could you please play call 896? 896 is dated July 29, 2011.

16:30:28 16 (Audio file played.)

16:32:02 17 Q. Mr. Graham, who's speaking on this call?

16:32:06 18 A. Jose Trevino.

16:32:09 19 Q. And when you say, I got money from your buddies, who are you

16:32:14 20 referring to?

16:32:15 21 A. Well, I got the money from Alfonso Del Rayo, but I was

16:32:19 22 referring to Carlos.

16:32:21 23 Q. And when you say the main guy, also in that call, what are

16:32:25 24 you referring to?

16:32:26 25 A. To Carlos.

16:32:27 1 Q. And when you're talking money from Alfonso Del Rayo, is this  
16:32:31 2 money for the purchase of Blues Ferrari?

16:32:33 3 A. No, sir. It was money that went toward the accounts and  
16:32:37 4 stud fees at the ranch.

16:32:38 5 Q. And how was that paid Southwest Stallion Station?

16:32:41 6 A. I got two cashier's checks.

16:32:42 7 Q. In what amounts?

16:32:44 8 A. I think one was for 300,000. One was for \$225,000.

16:32:49 9 Q. And when you say you got those cashier's checks and Jose  
16:32:57 10 asked you about if you have any money for him, did he come and  
16:33:00 11 collect any money?

16:33:00 12 A. Yes, sir. I think he came the next week and got -- you  
16:33:04 13 know, part of that money was for stud fees.

16:33:09 14 Q. Mr. Graham, I'm showing you what's been previously entered  
16:33:12 15 as Government's Exhibit 266, page 62-566. Is that one of the  
16:33:21 16 cashier's checks that you received from Mr. Alfonso Del Rayo for  
16:33:26 17 \$300,000?

16:33:26 18 A. Yes, sir.

16:33:27 19 Q. And showing you the next page 567, is that the other check  
16:33:33 20 you received for \$250,000?

16:33:35 21 A. I'm sorry. 250. Not 225.

16:33:37 22 Q. Did you have any accounts at Southwest Stallion Station  
16:33:40 23 under Alfonso Del Rayo?

16:33:42 24 A. Not that I know of.

16:33:50 25 Q. Now, were you told that Alfonso Del Rayo was going to help

16:33:58 1 pay the bills?

16:33:59 2 A. Well, he called me and said that he was going to be sending  
16:34:02 3 me some money.

16:34:03 4 Q. He being Alfonso Del Rayo?

16:34:05 5 A. Yes, sir.

16:34:05 6 Q. And did he identify which horses he would be paying for or  
16:34:22 7 what accounts?

16:34:22 8 A. He didn't say specifically in what accounts. He just said  
16:34:26 9 he was going to be sending me some money.

16:34:27 10 Q. Could we pull up call 972, please? 972 is dated August 11,  
16:34:34 11 2011.

16:34:53 12 (Audio file played.)

16:35:23 13 Q. Who's talking on this call, Mr. Graham?

16:35:25 14 A. That's Fernando.

16:35:26 15 Q. And he's asking for the registration papers on Tempting Dash  
16:35:30 16 babies?

16:35:31 17 A. Yeah. He's asking for the breeder certificates.

16:35:34 18 Q. And who owns Tempting Dash at this point?

16:35:36 19 A. Tremor Enterprises.

16:35:37 20 Q. And was Fernando Garcia acting as an official agent for  
16:35:42 21 Tremor Enterprises for those registration papers?

16:35:45 22 A. No, sir. I wouldn't say so.

16:35:47 23 Q. And why did he need the breeder certificates?

16:35:50 24 A. Well, the mares that we had bred the year before were all  
16:35:53 25 their mares. They were Carlos, Fernando, the same group. The

16:35:57 1 test breedings the year before. So the babies had been born by  
16:36:03 2 now.

16:36:03 3 Q. And so, were those the particular horses he was asking for  
16:36:05 4 the breedings for?

16:36:06 5 A. Yes, sir.

16:36:07 6 Q. Could you please finish that?

16:36:09 7 (Audio file played.)

16:37:38 8 Q. Were Tempting Dash babies ever registered?

16:37:41 9 A. Eventually they were, yes, sir.

16:37:44 10 Q. And did they eventually race, or are they racing this  
16:37:47 11 season?

16:37:47 12 A. Those particular foals were sold in the sale in November,  
16:37:52 13 this past year.

16:37:54 14 Q. All right. Mr. Graham, I'm going to approach you on this  
16:37:58 15 call, session 917. I'm not going to play it, but if you could  
16:38:02 16 just look over that call and see if you recall who was talking on  
16:38:07 17 that particular call. Just save a little time.

16:38:11 18 A. Oh, this is me talking to Alfonso Del Rayo.

16:38:17 19 Q. And was this the call in which you were talking about --  
16:38:19 20 again, your Honor, for the record, that's call No. 917, dated  
16:38:24 21 August 3rd, 2011. It's available for the jury if they want to  
16:38:29 22 hear it.

16:38:29 23 Was that the call you're talking about with respect to  
16:38:32 24 the payments for bills?

16:38:34 25 A. Yes.

16:38:35 1 Q. Now, I want to turn your attention to the August 2011  
16:38:44 2 Ruidoso trials. Are you familiar with a horse called Big Daddy  
16:38:48 3 Cartel?

16:38:48 4 A. Yes, sir.

16:38:48 5 Q. And whose horse was that in the trials?

16:39:01 6 A. I'm not sure what company name they're in or under.

16:39:11 7 Q. I'm showing you a poster, marked Government's Exhibit 3 by  
16:39:14 8 stipulation seized at Jose Trevino's ranch in Lexington. Could  
16:39:21 9 you just describe generally what that is?

16:39:23 10 A. That's a picture of the All American -- they did that for  
16:39:26 11 all of the All American Futurity qualifiers that year.

16:39:30 12 Q. And did Big Daddy Cartel qualify?

16:39:32 13 A. Yes, sir.

16:39:32 14 Q. And who is the jockey sitting at the top of Big Daddy  
16:39:33 15 Cartel?

16:39:33 16 A. Esgar Ramirez.

16:39:34 17 Q. And what company is --

16:39:35 18 A. It's under Poker Ranch, LLC.

16:39:38 19 Q. Your Honor, I offer Government's Exhibit 3.

16:39:45 20 THE COURT: Hearing no objection, G-3 is admitted.

16:39:52 21 Q. (BY MR. GARDNER) Mr. Graham, just so the jury can see it,  
16:39:54 22 what is your familiarity with Poker Ranch, LLC?

16:39:57 23 A. That was one of the companies they ran horses under.

16:40:00 24 Q. When you say "they"?

16:40:01 25 A. I mean Carlos and Fernando.

16:40:03 1 Q. And did they have specific conversations with you about  
16:40:06 2 using Poker Ranch, LLC?

16:40:08 3 A. Not specific conversation. I mean, they had several  
16:40:12 4 different LLCs they had horses under.

16:40:14 5 Q. And after the trials in the All American Futurity, what  
16:40:20 6 happened to that horse?

16:40:22 7 A. After the trial, I believe he was transferred into Tremor  
16:40:26 8 Enterprises.

16:40:26 9 Q. And did that horse run in the All American Futurity in 2011?

16:40:30 10 A. Yes, sir, he did.

16:40:32 11 Q. Now, you testified earlier about a payment that Victor Lopez  
16:40:44 12 asked you to go to Laredo to pick up. Do you recall that?

16:40:47 13 A. Yes.

16:40:47 14 Q. All right. Was there another occasion in which he asked you  
16:40:51 15 to go to Laredo and pick that up?

16:40:52 16 A. Yes, sir.

16:40:52 17 Q. And do you recall when that was?

16:40:55 18 A. It was later 2011. I don't remember the month.

16:41:00 19 Q. And could you tell the ladies and gentlemen of the jury the  
16:41:03 20 circumstances surrounding that particular money payment?

16:41:07 21 A. It was just kind of the same thing. I mean, he called and  
16:41:10 22 said, hey, I've got money down here in Laredo, cash, you know,  
16:41:13 23 you can come pick it up.

16:41:16 24 Q. And did you go, in fact, pick it up?

16:41:18 25 A. I personally did not, no, sir.

16:41:19 1 Q. And did you inform Special Agent Scott Lawson of that  
16:41:22 2 pick-up?

16:41:22 3 A. Yes, sir.

16:41:22 4 Q. One other thing before I leave that Alfonso Del Rayo call.  
16:41:32 5 In that call, did he tell you he was frightened of Carlos?

16:41:37 6 A. He didn't say he was frightened, but he seemed very nervous  
16:41:40 7 about talking -- you know, about dealing with me.

16:41:45 8 Q. And I may be jumping ahead a little bit. I think I am. Was  
16:41:48 9 there another occasion in which he provided you personal checks?

16:41:52 10 A. I think that was after the cashier's checks.

16:41:54 11 Q. After the cashier's check. And did he ask you not to cash  
16:41:57 12 all those personal checks?

16:41:59 13 A. Yeah. I think he gave me three \$50,000 checks and he, like,  
16:42:03 14 told me to deposit one a week -- or he would call me and tell me  
16:42:06 15 when, you know, the checks were going to be able to clear.

16:42:09 16 Q. And at some point did he mention not having the funds  
16:42:13 17 available in those accounts?

16:42:14 18 A. Yes, sir.

16:42:14 19 Q. And did he ask you to say something or not say something to  
16:42:18 20 Carlos Nayan?

16:42:18 21 A. Yeah. He just said, hey, can you just tell him, you know,  
16:42:21 22 basically like the money's going to be good, I think, in like  
16:42:26 23 over a three- or four-week period. Just, you know, can you just  
16:42:29 24 tell him I paid you.

16:42:34 25 Q. And can we please play call 1051? And that call is dated



16:42:38 1 August 22nd, 2011.

16:42:57 2 (Audio file played.)

16:44:12 3 Q. Okay. The 69, what does that refer to?

16:44:16 4 A. 69,000, I think that was, you know, for accounts receivable  
16:44:21 5 at the ranch.

16:44:21 6 Q. And, again, who is speaking on this call, Mr. Graham?

16:44:23 7 A. Victor Lopez.

16:44:25 8 Q. And was this referring to the trip down to Laredo that you  
16:44:29 9 just mentioned previously?

16:44:30 10 A. Yes, sir.

16:44:30 11 Q. Could you resume call 1061, dated August 24, 2011?

16:44:43 12 (Audio file played.)

16:45:17 13 Q. And, again, is this Victor Lopez?

16:45:19 14 A. Yes, sir.

16:45:20 15 Q. And when Victor Lopez tells you he's driving a white cab,  
16:45:23 16 what do you do with that information?

16:45:26 17 A. I was talking to Scott.

16:45:28 18 Q. Scott Lawson?

16:45:29 19 A. Yes, sir.

16:45:30 20 Q. All right. Do you know where he was at the time?

16:45:32 21 A. I think he was in Laredo.

16:45:33 22 Q. Could you please play call 1062, also dated August 24, 2011?

16:45:44 23 (Audio file played.)

16:46:14 24 Q. And you eventually get \$59,750?

16:46:17 25 A. Yes, sir.

16:46:18 1 Q. In cash?

16:46:18 2 A. Yes, sir.

16:46:19 3 Q. Was that provided to you by Special Agent Lawson?

16:46:21 4 A. Yes, sir.

16:46:22 5 Q. And what did you apply that amount to?

16:46:24 6 A. It went to the bills at the ranch on -- I don't know what  
16:46:28 7 specific account. Probably Carlos' or could have went to several  
16:46:31 8 accounts.

16:46:35 9 Q. Play call 1125, dated September 6th of 2011.

16:46:45 10 (Audio file played.)

16:48:51 11 Q. When you talk about Alfonso in the first part of that and  
16:48:54 12 Del Rayo in the second, what are you discussing? What are you  
16:48:58 13 asking him for?

16:48:59 14 A. I was trying to get a hold of him and I think that's when I  
16:49:03 15 was still holding those checks, and I couldn't get in contact  
16:49:05 16 with him and I didn't want to deposit the checks.

16:49:07 17 Q. And, again, is this you and Fernando Garcia talking on the  
16:49:10 18 phone?

16:49:10 19 A. Yes.

16:49:12 20 Q. When you asked him up here about what he bought and he  
16:49:17 21 responds, we have it, we have it, but this is between you and me,  
16:49:20 22 the 17 total, you know. You know how Jose is. What 17 are they  
16:49:26 23 talking about?

16:49:26 24 A. They were talking about the yearlings they had just bought  
16:49:32 25 at Ruidoso.

16:49:33 1 Q. What's Fernando Garcia mean when he says, this is between  
16:49:35 2 you and me because you know how Jose is?

16:49:38 3 MS. WILLIAMS: Object as speculation.

16:49:42 4 Q. (BY MR. GARDNER) What did you understand it to mean?

16:49:44 5 A. I thought he --

16:49:44 6 MS. WILLIAMS: Objection. Speculation.

16:49:46 7 THE COURT: No. I'm going to let him answer that. If  
16:49:49 8 he know. Go ahead.

16:49:50 9 A. I thought he meant, you know, just keep it between us. They  
16:49:53 10 didn't want their business out, you know, with a lot of people to  
16:49:55 11 know.

16:49:55 12 Q. (BY MR. GARDNER) And the 17 horses be bought at this  
16:49:59 13 auction, did they go under Jose Trevino's name?

16:50:02 14 A. No, sir.

16:50:02 15 Q. And whose name did they go under?

16:50:04 16 A. They went under a list of different names. I couldn't tell  
16:50:08 17 you all of them.

16:50:18 18 THE COURT: Let's give the jury a little break. Take a  
16:50:21 19 break, use the facilities, come back. And we'll run until about  
16:50:24 20 6:00.

16:51:00 21 (Jury not present.)

16:51:02 22 THE COURT: Let's take ten minutes.

16:51:05 23 (Recess.)

17:00:47 24 (Jury present.)

17:00:55 25 THE COURT: Mr. Graham, you're still under oath.

17:00:58 1 THE WITNESS: Yes, sir.

17:00:59 2 MR. GARDNER: Thank you, your Honor.

17:01:00 3 Q. (BY MR. GARDNER) Did you ever have a conversation with

17:01:03 4 "Chevo" Huitron about the death of Ramiro Villarreal?

17:01:06 5 A. About the death of Ramiro?

17:01:08 6 Q. Death of Ramiro Villarreal?

17:01:10 7 A. Yes, sir.

17:01:11 8 MR. MAYR: Your Honor, object to hearsay. Also, Mr.

17:01:27 9 Esper, the attorney who probably needs to be making this

17:01:31 10 objection, is not back from the break. Mr. Esper is not here.

17:01:34 11 THE COURT: I can't be responsible for somebody not

17:01:37 12 coming back.

17:01:38 13 MR. MAYR: I understand, your Honor. I will make the

17:01:40 14 objection, though, that it is hearsay.

17:01:42 15 THE COURT: Well, the objection to the question is

17:01:45 16 overruled. The question is, did you have a conversation. But

17:01:50 17 I'll wait. Go out there and get Mr. Esper. He was late last

17:01:54 18 time, too, and you had to go get him.

17:02:47 19 MR. DEGEURIN: Judge, may we approach?

17:02:49 20 THE COURT: Mine as well, but nobody's here. We've

17:02:54 21 started the evidence because you were not here, others were not

17:02:57 22 here, but now they've gone on a lost-finding party apparently.

17:03:01 23 MR. DEGEURIN: Something came up during the break, I'd

17:03:03 24 like to approach the bench.

17:03:05 25 THE COURT: Well, won't do any good until they all get

17:03:12 1 here.

17:03:13 2 MR. DEGEURIN: Okay. I'm sorry, I understand that Ms.  
17:03:27 3 Williams' already spoken. We'll do it at the end of the day.

17:03:30 4 THE COURT: All right. Mr. Gardner.

17:04:09 5 MR. GARDNER: Thank you, your Honor.

17:04:10 6 Q. (BY MR. GARDNER) Did you have a conversation with "Chevo"  
17:04:13 7 Huitron about the death of Ramiro Villarreal?

17:04:15 8 A. Yes, sir.

17:04:16 9 Q. And what was that conversation?

17:04:18 10 MR. MAYR: Objection. Hearsay.

17:04:19 11 THE COURT: Sustained.

17:04:21 12 Q. (BY MR. GARDNER) Turn your attention to the Heritage Place  
17:04:34 13 sale on September 14th of 2011. Do you know how many horses the  
17:04:39 14 organization purchased at that point?

17:04:42 15 MS. WILLIAMS: Objection, your Honor. The  
17:04:45 16 organization. Is there some specific people?

17:04:47 17 MR. GARDNER: I can list the people, your Honor.

17:04:49 18 Q. (BY MR. GARDNER) Do you know how many horses on the  
17:04:52 19 September Heritage yearling sale were purchased by either Jose  
17:04:57 20 Trevino, Fernando Garcia, Carlos Nayen?

17:05:01 21 A. They purchased -- I mean, it was several. May be eight or  
17:05:06 22 ten.

17:05:09 23 Q. And after that sale --

17:05:11 24 A. It could have been more than that. I can't remember a  
17:05:14 25 specific number.

17:05:14 1 Q. And after that sale, did you have a conversation with  
17:05:18 2 Fernando Garcia about Jose Trevino buying his own breeding ranch?  
17:05:23 3 A. Yes, sir. We talked about that at some point.  
17:05:26 4 Q. Before I get into that conversation, did Jose Trevino ever  
17:05:30 5 have a conversation about buying his own breeding ranch?  
17:05:33 6 A. Me and Jose had talked about him buying some land few times  
17:05:37 7 in the past. I don't think at that point it was very specific to  
17:05:43 8 him buying land for a stud farm.  
17:05:45 9 Q. And do you know when he acquired any land for his stud farm?  
17:05:51 10 A. Sometime in the late fall or early winter of 2011.  
17:05:56 11 Q. And do you know where that stud farm is located?  
17:05:59 12 A. Yes, sir. In Oklahoma.  
17:06:02 13 Q. And what did Jose Trevino tell you about moving Tempting  
17:06:06 14 Dash and Mr. Piloto from Southwest Stallion Station?  
17:06:09 15 A. Well, we had a conversation that he wasn't going to move  
17:06:14 16 Tempting Dash the next year. Just was only going to stand  
17:06:17 17 Mr. Piloto and move him.  
17:06:18 18 Q. Move Mr. Piloto to Lexington?  
17:06:20 19 A. Yes, sir.  
17:06:20 20 Q. Did you ask him why he would want to start a stud farm?  
17:06:26 21 A. Yeah. I just asked him out of curiosity, you know, I  
17:06:28 22 thought we had done a good job and I thought it had been  
17:06:31 23 profitable for him, you know, the arrangement we had going on.  
17:06:35 24 So, I mean, running a stud farm's, you know, complicated  
17:06:39 25 business. I just asked him out of curiosity why he was wanting

17:06:42 1 to do it on his own.

17:06:44 2 Q. And what was his response?

17:06:45 3 A. He said pretty much simply just, you know, I want to try and  
17:06:48 4 do it on my own. I don't know that I'll do it right the first  
17:06:51 5 time. We'll probably have some struggles but just want to have  
17:06:53 6 my own place.

17:06:53 7 Q. Was there any animosity between you and he that led to that?

17:06:58 8 A. No. I don't -- I mean, that particular conversation was  
17:07:01 9 real friendly. I mean, I don't -- in my opinion there wasn't any  
17:07:05 10 animosity that led to it.

17:07:08 11 Q. And was there an occasion when a bunch of lab equipment  
17:07:11 12 started showing up at Southwest Stallion Station?

17:07:13 13 A. Yes, sir.

17:07:13 14 Q. And what was that lab equipment for?

17:07:16 15 A. It was breeding equipment, ultrasounds, incubators, stuff of  
17:07:20 16 that nature.

17:07:22 17 Q. And was that lab equipment for Southwest Stallion Station?

17:07:25 18 A. No, sir. It was just drop-shipped to Southwest Stallion  
17:07:30 19 Station, and he said he was going to pick it up at a later date.

17:07:32 20 Q. Okay. And when you say "he," who are you talking about?

17:07:34 21 A. Jose.

17:07:37 22 Q. And at some point, did Jose Trevino start picking up the  
17:07:43 23 horses he had at Southwest Stallion Station and moving them to  
17:07:46 24 Oklahoma?

17:07:46 25 A. Yes, sir.

17:07:47 1 Q. When was that?

17:07:48 2 A. It was in the, like, later part of 2011.

17:07:55 3 Q. All right. And who would come and pick up the horses?

17:07:57 4 A. "Saltillo" hauled most of them.

17:07:59 5 Q. And "Saltillo" is the same person you know as Sergio Rincon?

17:08:03 6 A. Yes, sir.

17:08:04 7 Q. Could we please play call 1506? 1506 is dated March 20th of  
17:08:20 8 2012.

17:08:22 9 (Audio file played.)

17:10:25 10 Q. Mr. Graham, you said you got all the babies there. What are  
17:10:30 11 the babies you're talking about?

17:10:31 12 A. It was the babies that had been born at the ranch.

17:10:34 13 Q. And is that from the breedings of which horses to which  
17:10:38 14 horses?

17:10:39 15 A. It was some shipped semen horses. There was some Tempting  
17:10:44 16 Dash babies. There were a lot of, you know, horses shipped  
17:10:49 17 semen, First Down Dash's, Corona Cartel's.

17:10:52 18 Q. And, again, who is in this call?

17:10:53 19 A. Fernando.

17:10:54 20 Q. And when you're talking about "Saltillo," is that who you're  
17:10:57 21 talking about taking the horses to Oklahoma?

17:10:59 22 A. Yes, sir.

17:11:00 23 Q. And with respect to asking about the babies, did the babies  
17:11:03 24 also get shipped to Oklahoma?

17:11:04 25 A. Yes, sir.



17:11:05 1 Q. All right. And were some of those babies listed under  
17:11:11 2 Carlos Nayen's name?

17:11:12 3 A. Yes, sir.

17:11:13 4 Q. Continue, please.

17:11:14 5 (Audio file played.)

17:11:42 6 Q. At this point, who's Dashin Follies belong to?

17:11:46 7 A. I don't know who they had it registered. I guess in my  
17:11:49 8 opinion, Alejandro Barradas still owned her.

17:11:54 9 Q. And did Fernando Garcia ever act as the agent for Dashin  
17:11:58 10 Follies?

17:11:58 11 A. He helped, you know, agent as far as telling me where we  
17:12:02 12 were going to be breeding her to and what they were going to be  
17:12:04 13 breeding her to and stuff.

17:12:05 14 Q. So he provided you directions while Dashin Follies was  
17:12:09 15 standing at Southwest Stallion Station?

17:12:10 16 A. Yes, sir.

17:12:10 17 Q. Please continue.

17:12:13 18 (Audio file played.)

17:13:10 19 Q. Your Honor, I apologize. That call was actually dated  
17:13:13 20 November 8th of 2011. That was call No. 1506.

17:13:19 21 Could you please play call No. 1823? And this is the  
17:13:26 22 last call. 1823 is dated -- I'm sorry, December 19th of 2011.

17:13:34 23 (Audio file played.)

17:14:10 24 Q. When you say when they put the wire through down there,  
17:14:13 25 where is down there?

17:14:15 1 A. Wherever Victor was sending it from. Somewhere in Mexico,

17:14:19 2 I'm assuming.

17:14:20 3 Q. Go ahead.

17:14:21 4 (Audio file played.)

17:17:06 5 Q. Again, is this Fernando Garcia on this call?

17:17:06 6 A. Yes, sir.

17:17:13 7 Q. And when he was talking Francisco Colorado horses, did you  
17:17:16 8 receive directions from Fernando Garcia and Carlos Nayen to take  
17:17:19 9 care of those horses?

17:17:19 10 A. Yes, sir.

17:17:20 11 Q. And at what point did Jose Trevino pick up all of his horses  
17:17:29 12 to take to Lexington?

17:17:31 13 A. All the horses under his account?

17:17:33 14 Q. Correct.

17:17:34 15 A. It was right there in that same time period towards the end  
17:17:37 16 of 2011.

17:17:39 17 Q. Now, I want to turn your attention back to Heritage Place in  
17:17:43 18 November of 2011. Were you familiar with the horses Blues Girls  
17:17:49 19 Choice, Number One Cartel, Devils Ridge and Forty Force?

17:17:52 20 A. Yes, sir.

17:17:53 21 Q. And do you know who the agents on those horses were?

17:17:55 22 A. The selling agent?

17:17:57 23 Q. The selling agent.

17:17:59 24 A. I was the selling agent.

17:17:59 25 Q. And do you recall how much those horses went for?

17:18:04 1 A. I don't remember. I'd have to look at the sales sheet to  
17:18:07 2 remember exactly.

17:18:08 3 Q. Were you surprised at the prices for those four horses  
17:18:11 4 bought?

17:18:11 5 A. Yes, sir.

17:18:11 6 Q. And as a selling agent, who was selling those four horses?

17:18:16 7 A. I was selling them for Tremor Enterprises.

17:18:19 8 Q. How many times, to your knowledge, has Tremor Enterprises  
17:18:25 9 sold horses at auctions?

17:18:27 10 A. Just that sale and the other sale where they sold Blues  
17:18:33 11 Ferrari.

17:18:33 12 Q. And at that particular sale, did people you associated with,  
17:18:40 13 Carlos Nayan, Jose Trevino, Victor Lopez or Fernando Garcia, buy  
17:18:44 14 any horses?

17:18:46 15 A. Yes, sir.

17:18:47 16 Q. Do you recall how many they bought?

17:18:49 17 A. I think they bought ten or eleven.

17:18:53 18 Q. And do you know how that sale was paid for?

17:18:55 19 A. They wired the money to Heritage.

17:18:58 20 Q. Were you familiar with a wire from Quick Loans' Arian Jaff?

17:19:02 21 A. I didn't know it was Quick Loans at the time but it was --  
17:19:06 22 yeah. I think it came across the Jaff -- on the e-mails. I got  
17:19:09 23 copies of the e-mails.

17:19:10 24 Q. Are you familiar with a entity called Bonanza Racing  
17:19:14 25 Stables?

17:19:15 1 A. Yes, sir.

17:19:16 2 Q. And when did you first become aware of that entity?

17:19:19 3 A. I guess it was 2011 when -- 2011 or '12. It was another one  
17:19:25 4 of the LLCs they used to run horses.

17:19:28 5 Q. And was it in addition to the other ones you've mentioned,  
17:19:32 6 Carmina?

17:19:32 7 A. Correct.

17:19:33 8 Q. And going to the next auction, January 19, 2012. Were you  
17:19:46 9 aware they bought a number of horses at that auction?

17:19:48 10 A. Yes, sir.

17:19:49 11 MS. WILLIAMS: Objection, your Honor. They. Who  
17:19:51 12 bought what?

17:19:53 13 Q. (BY MR. GARDNER) Were you aware that Jose Trevino, Fernando  
17:19:56 14 Garcia, Carlos Nayan, or people associated with them, had  
17:19:59 15 purchased horses at that auction?

17:20:01 16 A. Yes, sir.

17:20:02 17 Q. And what was the method of payment for that particular sale?

17:20:07 18 A. I believe they wired the money for that sale, too.

17:20:09 19 Q. Were you aware of a number of payments that Fernando Garcia  
17:20:14 20 forwarded to Heritage Place?

17:20:16 21 A. I wouldn't -- I'd have to go back and look. I don't know  
17:20:20 22 who forwarded them to Heritage.

17:20:21 23 Q. So at this point, where is Jose Trevino in terms of setting  
17:20:24 24 up his operation in Lexington, Oklahoma?

17:20:29 25 A. He had the land. He had the facility bought. He was doing

17:20:31 1 a ton of work up there to get ready for breeding season.

17:20:35 2 Q. And were you still taking stud fees for Jose Trevino?

17:20:40 3 A. For Tempting Dash?

17:20:42 4 Q. Correct.

17:20:42 5 A. I was for the outside horses or mares that I had at the  
17:20:47 6 ranch.

17:20:47 7 Q. Did Jose Trevino ask you to save stud fees for mares he had  
17:20:51 8 at his ranch?

17:20:52 9 A. Yes, sir.

17:20:52 10 Q. And did you agree to do that?

17:20:53 11 A. No, sir.

17:20:54 12 Q. Why not?

17:20:55 13 A. Because I didn't feel like I could keep track of how many  
17:21:00 14 mares were really up there. I didn't have signed contracts on  
17:21:02 15 anything, and it just didn't seem like a good idea. I mean, it  
17:21:07 16 wasn't a clear-cut about what we were really doing.

17:21:11 17 Q. And on your property, when you had the mares, can you keep  
17:21:14 18 track of which semen --

17:21:17 19 A. Yeah. When the horses are at my place, it's easy because  
17:21:21 20 I'm looking at them. They're right there. Or if -- you know, if  
17:21:26 21 I'd had legitimate, signed contracts, you know, for individual  
17:21:32 22 mares, copies of the registration papers, and all that stuff,  
17:21:35 23 like we would on typical, you know, on a typical horse, it  
17:21:39 24 probably wouldn't have been a problem either, but we didn't have  
17:21:42 25 any of that.

17:21:42 1 Q. When you say, signed breeding contract?

17:21:44 2 A. Well, typically they -- you know, you get any kind of a  
17:21:48 3 signed breeding contract, you get it back with the owner and a  
17:21:50 4 copy of the mare's registration papers showing that owner.

17:21:54 5 Q. And for the mares that Jose Trevino asked you to breed to,  
17:21:57 6 did you have any of that?

17:21:58 7 A. No, sir.

17:21:59 8 Q. And what mares or whose mares was he asking you to ship  
17:22:04 9 Tempting Dash semen for?

17:22:05 10 A. It was basically the same mares that we had had at the ranch  
17:22:08 11 the year before that were all under Carlos' account.

17:22:11 12 Q. And so, when you told Jose Trevino that you weren't willing  
17:22:14 13 to collect his stud fees anymore, what was his reaction?

17:22:17 14 A. He was upset. And, you know, I kind of told him just like I  
17:22:19 15 told you. I said, I don't have any signed contracts. I don't  
17:22:22 16 know, you know, legitimately who -- or not legit -- specifically,  
17:22:26 17 who owns these mares. I don't have copies of the registration  
17:22:28 18 papers. I mean, I just -- I can't do business like that.

17:22:33 19 Q. And with respect to the mares controlled by Carlos Nayan,  
17:22:37 20 did Jose Trevino ask you or tell you how he acquired those mares?

17:22:41 21 A. Well, he said that he was going to lease them.

17:22:44 22 Q. Define that for the jury. What's it mean to lease a mare?

17:22:48 23 A. It's just a lease just like you lease anything else. I  
17:22:52 24 mean, there's a form you fill out if you do it through AQHA  
17:22:55 25 that's a lease certificate, and it's just, you know, you lease

17:22:59 1 the mare from whoever owns the mare at the time for certain  
17:23:02 2 period of times. Send the form in to AQHA and, I think, pay like  
17:23:07 3 a nominal fee of 25 bucks, or something, and then, just lease the  
17:23:11 4 horse.

17:23:12 5 Q. And does the evidence of that lease demonstrate that you  
17:23:17 6 have those horses in your control?

17:23:18 7 A. Most of the time. Yes, sir.

17:23:20 8 Q. And without that lease, how would you explain the presence  
17:23:25 9 of mares on your properties?

17:23:27 10 A. Yeah. I mean, the reason you lease the mares is so that  
17:23:30 11 when you're breeding them, the following year when the babies are  
17:23:34 12 born, you have a legitimate paper trail to register those babies  
17:23:39 13 under your name or whoever leased the horses. It could be  
17:23:45 14 partnership. You could lease horses to run. You could lease  
17:23:48 15 them to do anything with.

17:23:51 16 Q. Now, in addition to starting to use the name Bonanza Racing  
17:23:55 17 Stables, were you aware of "Chevo" Huitron training with Fernando  
17:24:01 18 Garcia in March of 2012?

17:24:03 19 A. Yes, sir.

17:24:03 20 Q. And where was that?

17:24:04 21 A. I think that's when they were in Ruidoso.

17:24:07 22 Q. And did "Chevo" Huitron suffer an injury?

17:24:10 23 A. Yes, sir. He broke his leg.

17:24:13 24 Q. And what did Mr. "Chevo" Huitron tell you about his training  
17:24:18 25 in Ruidoso, New Mexico?

17:24:20 1 A. They were training at a training center out there. Can't  
17:24:24 2 think of the city now, off the top of my head. And it's a big  
17:24:27 3 training center where a lot -- multiple trainers, you know, you  
17:24:31 4 could just rent stalls and train and use the track. He was just  
17:24:35 5 out there basically. All of those horses that were there were  
17:24:39 6 going to run in all the futurities that summer. So he was there  
17:24:42 7 managing, you know, overseeing the training.

17:24:43 8 Q. Did "Chevo" Huitron express to you that his desire to keep  
17:24:47 9 that quiet?

17:24:49 10 MR. ESPER: Objection, your Honor. It's hearsay, your  
17:24:51 11 Honor.

17:24:56 12 MR. GARDNER: I believe it's coconspirator hearsay  
17:24:57 13 statement, your Honor.

17:24:58 14 THE COURT: I'm going to sustain the objection.

17:25:05 15 Q. (BY MR. GARDNER) Do you know if any -- "Chevo" Huitron's  
17:25:11 16 Texas clients knew he was in Ruidoso at that time?

17:25:14 17 MR. ESPER: Objection, your Honor. Calls for  
17:25:15 18 speculation.

17:25:16 19 THE COURT: It does. I'll sustain the objection.

17:25:20 20 Q. (BY MR. GARDNER) Did "Chevo" ever give you any information  
17:25:23 21 about the Zetas' activities in Mexico?

17:25:26 22 A. No, sir. We didn't really talk about that.

17:25:31 23 Q. And finally, Mr. Graham, do you see Jose Trevino in the  
17:25:35 24 courtroom today?

17:25:35 25 A. Excuse me?



17:25:36 1 Q. Do you see Jose Trevino in the courtroom today?

17:25:38 2 A. Yes, sir.

17:25:38 3 Q. Is that the individual standing?

17:25:40 4 A. Yes, sir.

17:25:41 5 Q. Do you see Fernando Garcia in the courtroom today?

17:25:44 6 A. Yes, sir.

17:25:45 7 Q. Do you see "Chevo" Huitron in the courtroom today?

17:25:49 8 A. Yes, sir.

17:25:50 9 Q. Is this the individual sitting here in the gray suit?

17:25:53 10 A. Yes, sir.

17:25:53 11 Q. And do you see Jesus or Jesse Huitron in the courtroom  
17:25:56 12 today?

17:25:56 13 A. Yes, sir.

17:25:58 14 Q. May I have one moment, your Honor?

17:26:00 15 THE COURT: Yes, sir.

17:26:08 16 MR. GARDNER: I'll pass the witness, your Honor.

17:26:13 17 THE COURT: Which one? Ms. Williams?

17:26:16 18 MR. FINN: The pretty one, your Honor.

17:26:21 19 CROSS-EXAMINATION

17:26:21 20 BY MS. WILLIAMS:

17:27:07 21 Q. Mr. Graham, my name's Christie Williams. I have a few  
17:27:10 22 questions for you.

17:27:11 23 I'm going to go back to the very beginning to start  
17:27:14 24 out. You told Mr. Gardner something about Jose making some  
17:27:18 25 comment about when he found out that Tempting Dash had

17:27:23 1 piroplasmosis. Something about doing something with animal  
17:27:28 2 health people. Bribing, right? Do you remember saying that?  
17:27:35 3 A. We had a conversation about that.  
17:27:36 4 Q. And you never told Agent Lawson about that conversation, did  
17:27:38 5 you?  
17:27:39 6 A. Yes, I did.  
17:27:39 7 Q. Let me ask you to look at JT-10, 11, 12 and 13. Do you  
17:27:50 8 recognize these documents?  
17:27:52 9 A. Yes, I do.  
17:27:53 10 Q. What are they? Just in general, what are they?  
17:27:57 11 A. They're permits from Texas Animal Health Commission.  
17:28:02 12 Q. And do they have to do with Tempting Dash?  
17:28:04 13 A. Yes.  
17:28:05 14 Q. I'll offer 10, 11, 12 and 13.  
17:28:10 15 MR. GARDNER: What are the dates on them? No  
17:28:37 16 objection, your Honor.  
17:28:38 17 THE COURT: JT-10, 11, 12 and 13 are admitted.  
17:28:47 18 Q. (BY MS. WILLIAMS) Now, these documents are filled out by  
17:28:55 19 someone who wants to move a horse, in this case, that has  
17:29:01 20 piroplasmosis, and you need permission from the Texas Animal  
17:29:04 21 Health Commission to do so, correct?  
17:29:05 22 A. That is correct.  
17:29:07 23 Q. And these documents indicate that on -- it's a little hard  
17:29:15 24 to tell because they're a little different dates. But on April  
17:29:19 25 17th, Jose Trevino told the Texas Animal Health Commission that

17:29:28 1 he wanted to move Tempting Dash from where it was located in  
17:29:33 2 McDade to Quemado, Texas; is that correct?

17:29:40 3 A. I don't know if that's what he told him or not.

17:29:48 4 Q. Does this document indicate that Jose Trevino got permission  
17:29:54 5 from the Texas Animal Health Commission to move Tempting Dash  
17:29:57 6 from McDade to Quemado?

17:30:00 7 A. It does, but it could have been postdated.

17:30:03 8 Q. Okay. And on June 22nd or June 25th, does this document --  
17:30:16 9 that first one was JT-10.

17:30:18 10 Does JT-11 indicate that the Texas Animal Health  
17:30:21 11 Commission gave permission to move Tempting Dash from Quemado to  
17:30:26 12 College Station?

17:30:27 13 A. Yes. I believe that one does.

17:30:33 14 Q. And does JT-12 indicate that in July, the Texas Animal  
17:30:42 15 Health Commission approved Tempting Dash to move from College  
17:30:45 16 Station back to McDade?

17:30:51 17 A. Yes. I believe it does.

17:30:59 18 Q. And then, a little bit later in July, JT-13 indicates that  
17:31:05 19 the Texas Animal Health Commission gave permission for Tempting  
17:31:07 20 Dash to be moved from McDade to Southwest Stallion Station?

17:31:10 21 A. Correct.

17:31:11 22 Q. And that's where the horse is today?

17:31:12 23 A. That's where he's at today.

17:31:23 24 Q. When Tempting Dash was diagnosed with piroplasmosis, it was  
17:31:27 25 at McDade, Dr. Collins' vet clinic; is that right?

17:31:30 1 A. Well, he went out there mobile-ly and drawn the blood. Yes.

17:31:36 2 Q. The horse was at McDade?

17:31:38 3 A. Yes.

17:31:39 4 Q. It wasn't at Southwest Stallion Station?

17:31:41 5 A. No.

17:31:42 6 Q. And your biggest complaint, I guess, about these -- this

17:31:50 7 seems to be an original document, do you agree, with JT-10?

17:31:56 8 Original of a triplicate?

17:31:58 9 A. Seems to be original.

17:31:59 10 Q. But you indicated, not in response to my question, that it

17:32:03 11 might have been postdated, right?

17:32:05 12 A. It's possible.

17:32:08 13 Q. It's also possible that you're not telling the truth about

17:32:11 14 that conversation, isn't it?

17:32:12 15 MR. GARDNER: Your Honor, that's argumentative. The

17:32:15 16 jury decides credibility of a witness.

17:32:18 17 THE COURT: It is argumentative.

17:32:21 18 Q. (BY MS. WILLIAMS) How much money did Southwest Stallion

17:32:26 19 Station make during the period of time that you were cooperating

17:32:30 20 with the government from Carlos Nayan, Jose Trevino?

17:32:38 21 A. By cooperating, what do you mean?

17:32:41 22 Q. I mean that you signed an agreement with these agents that

17:32:47 23 you were going to call people up, record your conversations, that

17:32:53 24 you were going to go to Heritage Place auction, that you were

17:32:58 25 going to go to races, that you were going to hang out and listen

17:33:01 1 to conversations?

17:33:02 2 MR. GARDNER: Your Honor, at this point Ms. Williams is  
17:33:04 3 testifying rather than asking a question. So we object to the  
17:33:07 4 form of a non-question.

17:33:15 5 THE COURT: The witness asked her what she meant. May  
17:33:19 6 be a little dramatic, but she's explaining to him what she meant.

17:33:26 7 Q. (BY MS. WILLIAMS) During that period of time, from early  
17:33:33 8 2010 to the date of Jose Trevino's arrest, how much money did  
17:33:39 9 Southwest Stallion Station make from keeping the horses that  
17:33:44 10 you've talked about here today?

17:33:46 11 A. Probably a few hundred thousand.

17:33:49 12 Q. A few hundred thousand?

17:33:50 13 A. Yes, ma'am.

17:33:51 14 Q. We heard about \$270,000 earlier, right? Do you remember  
17:33:56 15 that?

17:33:56 16 A. Yes.

17:33:56 17 Q. We heard about \$223,000, right?

17:34:00 18 A. Right.

17:34:01 19 Q. So right there, that's 500,000?

17:34:03 20 A. That's not net profit.

17:34:08 21 Q. When you got this \$100,000 in cash from Carlos Nayan, did  
17:34:16 22 you deposit it in your bank account?

17:34:18 23 A. No, ma'am. I did not.

17:34:19 24 Q. What did you do with it?

17:34:21 25 A. I took it to Heritage Place.

17:34:22 1 Q. Do you know how much money, how much profit Southwest  
17:34:31 2 Stallion Station made during the pendency of this investigation?  
17:34:34 3 Do you know?  
17:34:34 4 A. I have not a clue, off the top of my head.  
17:34:37 5 Q. Could you find out?  
17:34:39 6 A. I'm sure with time I could.  
17:34:42 7 Q. Well, do you have a balance sheet? Do you do profit and  
17:34:45 8 loss statements at the end of the year?  
17:34:47 9 A. Yes, ma'am. We do.  
17:34:48 10 Q. And could you get those and bring them to court?  
17:34:52 11 MR. GARDNER: Your Honor, at this point, I'd object.  
17:34:55 12 Ms. Williams has had Southwest Stallion Station's bank accounts.  
17:34:57 13 They're right here on counsel table. They're available for her  
17:35:01 14 inspection. She's had them for probably six, seven months at  
17:35:04 15 this point. So we believe it's misleading.  
17:35:08 16 MS. WILLIAMS: Well.  
17:35:09 17 THE COURT: I've got two different things. She's had  
17:35:14 18 full discovery. She's asking about profit statements. And the  
17:35:17 19 question before me is, could you get them?  
17:35:21 20 THE WITNESS: Yes, sir.  
17:35:22 21 THE COURT: All right. Let's go to the next question.  
17:35:26 22 Q. (BY MS. WILLIAMS) Now, you testified that you make a salary  
17:35:30 23 at Southwest Stallion Station?  
17:35:31 24 A. Correct.  
17:35:31 25 Q. But who owns it?

17:35:33 1 A. My grandfather and his wife. Dr. Charles Graham and Nancy  
17:35:37 2 Graham.

17:35:37 3 Q. And so, do you have an agreement with Dr. Graham about  
17:35:44 4 someday having an ownership interest in Southwest Stallion  
17:35:49 5 Station?

17:35:49 6 A. We have no agreement about that.

17:35:51 7 Q. Do you believe that that might someday happen?

17:35:53 8 A. It's possibility.

17:35:55 9 Q. And you testified that you don't personally make any money  
17:36:00 10 when a horse is bought or sold at Heritage Place, but your family  
17:36:05 11 does; isn't that right?

17:36:05 12 A. Yes. My grandfather does.

17:36:08 13 Q. Your grandmother?

17:36:09 14 A. My grandfather.

17:36:10 15 Q. Your grandfather. Because he is one of the owners of  
17:36:12 16 Heritage Place?

17:36:13 17 A. Correct.

17:36:13 18 Q. And when a horse is bought or sold at Heritage Place at  
17:36:17 19 auction, how much money does your grandfather make off that sale?

17:36:21 20 A. He makes a dividend. He doesn't make anything directly from  
17:36:24 21 the individual sales.

17:36:25 22 Q. How much does Heritage Place charge every time a horse is  
17:36:28 23 bought or sold at auction?

17:36:29 24 A. Five percent commission.

17:36:31 25 Q. Five percent if it's bought and five percent if it's sold?

17:36:35 1 A. Five percent of the selling price.

17:36:40 2 Q. And then, how does the dividend profit work?

17:36:43 3 A. We have a board of directors meeting usually twice a year.

17:36:46 4 We decide what we made and the board decides what dividends are  
17:36:50 5 going to be issued to those shareholders.

17:36:52 6 Q. And you're on the board. How does the board make that  
17:36:56 7 decision?

17:36:58 8 A. Just like a board of any other company, I would assume. I  
17:37:01 9 mean, we look what we made for the year, decide what we need for  
17:37:05 10 our cash reserves and ongoing business, and come up with a number  
17:37:11 11 to divide to the owners.

17:37:13 12 Q. And in 2012, how much was that dividend?

17:37:16 13 A. I'd have to look it up.

17:37:18 14 Q. Approximately.

17:37:19 15 A. Probably close to 200,000 for 25 percent share.

17:37:23 16 Q. And how much share does your grandfather own?

17:37:26 17 A. Twenty-five percent.

17:37:31 18 Q. Before Tempting Dash came to Southwest Stallion Station, how  
17:37:38 19 many stallions did you have there that you were working with?

17:37:43 20 A. Three or four.

17:37:45 21 Q. And what were the names of those stallions?

17:37:48 22 A. I'd have to go back and look. We had Jodie O Toole, we had  
17:37:52 23 60 Royal King, we had the Hold A Corona, we had Copacorona  
17:37:58 24 Special.

17:37:59 25 Q. All those at the same time?



17:38:00 1 A. Yes, ma'am.

17:38:01 2 Q. And all those directly before Tempting Dash came to  
17:38:04 3 Southwest Stallion Station?

17:38:06 4 A. To the best of my memory.

17:38:08 5 Q. But you were certainly recruiting additional stallions at  
17:38:12 6 that time?

17:38:12 7 A. Yes.

17:38:13 8 Q. And you -- did you ask Jose Trevino if Tempting Dash could  
17:38:23 9 come to Southwest Stallion Station?

17:38:26 10 A. Yes.

17:38:27 11 Q. And did you have an agreement with him about how those stud  
17:38:32 12 fees would be paid at that time?

17:38:33 13 A. Not initially.

17:38:37 14 Q. At what point did that agreement take place?

17:38:41 15 A. Sometime before the first breeding season, I'd guess, in  
17:38:45 16 2010.

17:38:47 17 Q. And when Tempting Dash first -- when you first made the  
17:38:53 18 agreement with Jose Trevino for Tempting Dash to stand stud at  
17:38:57 19 Southwest Stallion Station, nobody knew -- I think when this  
17:39:00 20 agreement was first made, nobody knew that the horse had  
17:39:04 21 piroplasmosis; is that true?

17:39:05 22 A. No. That is not true.

17:39:06 23 Q. Okay. So after the diagnosis was made and was it after Dr.  
17:39:14 24 Varner made the decision that the horse could be bred when that  
17:39:17 25 agreement was made?

17:39:19 1 A. It was some time after he was discovered and had piro.

17:39:24 2 Q. When you found out that the horse had piroplasmosis, you  
17:39:29 3 weren't sure if you could breed it; is that right?

17:39:31 4 A. I did not know for sure. That's correct.

17:39:33 5 Q. So it wasn't until after Dr. Varner kind of gave y'all a  
17:39:39 6 checkmark that an agreement would have been made; is that right?

17:39:41 7 A. Probably so. Yes.

17:39:43 8 Q. And do you remember when that was?

17:39:45 9 A. It was sometime in the summer, I guess, of 2010 -- I'm  
17:39:59 10 sorry. Not summer. It was earlier than that. It was spring of  
17:40:03 11 2010.

17:40:04 12 Q. Well, the horse came back in July. Isn't that what the  
17:40:08 13 Texas Animal Health Commission documents we just looked at show?

17:40:11 14 A. Uh-huh.

17:40:11 15 Q. That the horse came back in July?

17:40:12 16 A. Correct.

17:40:13 17 Q. And so, that's when you would have been able to start  
17:40:16 18 breeding?

17:40:16 19 A. Right.

17:40:17 20 Q. But because of the delay, due to testing and all the things  
17:40:21 21 that took place at A & M, the breeding season was pretty much  
17:40:25 22 over?

17:40:25 23 A. Right.

17:40:26 24 Q. And so, you decided to do these test breedings during the  
17:40:35 25 2010 season just to see if the horse was going to be a good

17:40:39 1 breeder, what the babies were going to look like, so that you  
17:40:42 2 could advertise for 2011?

17:40:46 3 A. Right.

17:40:46 4 Q. And so, when Jose Trevino started going to some of the  
17:40:52 5 auctions at Heritage Place in 2010 and -- late 2010 and early  
17:40:59 6 2011, part of the reason that he was there was to search out mare  
17:41:03 7 owners and try to convince them that they wanted to breed their  
17:41:06 8 horse with Tempting Dash, right?

17:41:08 9 A. Could have been part of the reason.

17:41:09 10 Q. Well, didn't you have a discussion with Jose Trevino about  
17:41:12 11 that?

17:41:12 12 A. I wouldn't say it was the only reason we were there.

17:41:18 13 Q. That wasn't what I asked you.

17:41:19 14 Did you have a discussion with Jose Trevino about going  
17:41:23 15 to the auctions to search out mare owners to get them to breed  
17:41:27 16 their horses to Tempting Dash?

17:41:28 17 A. For him to search out mare owners, for more me to search out  
17:41:32 18 mare owners?

17:41:33 19 Q. Kind of together. It was in both of your interests, right?

17:41:36 20 A. It was in both of our interests, but it was my job to search  
17:41:40 21 out the mare owners.

17:41:41 22 Q. Well, I mean, didn't Jose Trevino gather up a lot of  
17:41:46 23 documents, and didn't he carry around these lists of mares, and  
17:41:50 24 didn't he talk to you a lot and ask you a lot of questions about  
17:41:53 25 specific mare owners for that purpose?

17:41:55 1 A. Yes, he did.

17:41:55 2 Q. Now, when a mare would come to be bred to Tempting Dash,  
17:42:06 3 that caused you to make a lot of money, correct?

17:42:10 4 A. I wouldn't say a lot of money.

17:42:14 5 Q. You got to charge for horse care, for boarding, for  
17:42:22 6 breeding, for all the veterinary services that you already had --  
17:42:26 7 you already had somebody on salary to do that, right?

17:42:28 8 A. Yes.

17:42:30 9 Q. So you got to charge people for all those services if the  
17:42:35 10 mare was there?

17:42:36 11 A. Yes.

17:42:36 12 Q. And if the semen was shipped off to somebody, you got to  
17:42:43 13 charge them money for that, as well, didn't you?

17:42:45 14 A. Correct.

17:42:50 15 Q. Now, isn't part of -- wasn't part of the reason that -- I'll  
17:43:03 16 withdraw that.

17:43:04 17 Didn't you and Jose Trevino disagree about how the  
17:43:10 18 breeding contracts should be sent out for Tempting Dash?

17:43:16 19 A. He didn't want to use our contract.

17:43:20 20 Q. And didn't Jose Trevino believe that -- well, let me back  
17:43:26 21 up.

17:43:26 22 When Dr. Varner okayed the breeding of Tempting Dash,  
17:43:34 23 he advised you and Mr. Trevino that some disclosures should be  
17:43:40 24 made to be fact that the horse was positive for piroplasmosis;  
17:43:45 25 isn't that true?

17:43:47 1 A. That is true.

17:43:47 2 Q. And didn't you and Jose have a disagreement about whether or  
17:43:50 3 not those disclosures should be sent out?

17:43:54 4 A. Of course not.

17:43:57 5 Q. When you decided to -- do you know when the first time you  
17:44:34 6 had a conversation with the FBI was? Do you know what date that  
17:44:38 7 was?

17:44:39 8 A. It was after the January sale in 2010, I guess.

17:44:48 9 Q. And when you first had a conversation with the FBI, did they  
17:44:53 10 share with you some of what they believed was going on? Did they  
17:44:58 11 tell you, this is what we know, this is what we think?

17:45:01 12 A. No.

17:45:01 13 Q. When did you get the phone from the FBI and start recording  
17:45:15 14 your conversations?

17:45:16 15 A. Sometime in 2011, I believe.

17:45:18 16 Q. Not till 2011?

17:45:19 17 A. I believe it was 2011.

17:45:22 18 Q. And I thought that Mr. Gardner asked you when you had that  
17:45:33 19 phone, if you only let people call you on it, and you didn't make  
17:45:36 20 phone calls on it. Did --

17:45:38 21 A. No. I made phone calls on it.

17:45:39 22 Q. So you would call up Jose Trevino. You would call up  
17:45:42 23 whoever you wanted to talk to, and you would make phone calls.  
17:45:44 24 It could go either way?

17:45:46 25 A. Either way.

17:45:46 1 Q. And so, you recorded your phone calls for more than a year?

17:45:55 2 A. I think it was more than a year.

17:46:04 3 Q. The horses that Jose Trevino had at your ranch or the bill  
17:46:37 4 that Jose Trevino had at your ranch was separate from anyone  
17:46:41 5 else's bill, correct?

17:46:42 6 A. That's correct.

17:46:42 7 Q. And Jose Trevino never paid you in cash?

17:46:46 8 A. No.

17:46:47 9 Q. I'm sorry?

17:46:48 10 A. No. He never paid me in cash.

17:46:49 11 Q. And so, you would have had no reason to have a conversation  
17:46:52 12 with Mr. Huitron about Jose Trevino paying a bill in cash, would  
17:46:59 13 you?

17:46:59 14 A. I didn't have a conversation they didn't pay a bill in cash.  
17:47:03 15 I had a conversation about how they were paying the bills or if  
17:47:05 16 they were paying the bills.

17:47:06 17 Q. I'm talking about Jose Trevino. I'm not talking about any  
17:47:09 18 "they." I'm talking about Jose Trevino. You wouldn't have had  
17:47:12 19 any conversation -- you wouldn't have a need to have any  
17:47:15 20 conversation with Mr. Huitron about Jose Trevino not paying a  
17:47:18 21 bill or paying a bill in cash; isn't that right?

17:47:20 22 A. About the group.

17:47:30 23 Q. You wouldn't have had any reason to have a conversation --

17:47:35 24 THE COURT: You've asked that and it's been answered.

17:47:37 25 You can ask a different question.

17:47:38 1 MS. WILLIAMS: He didn't answer the question.

17:47:39 2 THE COURT: I disagree. You can ask him in isolation  
17:47:46 3 about any conversation mentioning Mr. Trevino, but he's going to  
17:47:50 4 answer all day long that it was a group. So we're wasting time.

17:48:06 5 Q. (BY MS. WILLIAMS) With regard to Mr. Piloto, you testified  
17:48:11 6 that about a conversation that you had with Mr. Trevino and some  
17:48:19 7 other people about your opinion that Mr. Piloto should race more.

17:48:23 8 A. Correct.

17:48:25 9 Q. And, in fact, then -- and you said he never did. But then,  
17:48:28 10 you came back and you said he did go -- Mr. Piloto did go out to  
17:48:32 11 California to, I think, the Golden State race?

17:48:34 12 A. Correct.

17:48:35 13 Q. But he didn't race?

17:48:36 14 A. Correct.

17:48:36 15 Q. But do you know why that is? Do you know?

17:48:40 16 A. I don't know specifically. Or I don't know effectually why  
17:48:45 17 they scratched him.

17:48:45 18 Q. Did you know that he had colic?

17:48:48 19 A. That's what they said.

17:48:50 20 Q. And by "they," do you mean Jose Trevino? Did Jose Trevino  
17:48:53 21 say that?

17:48:54 22 A. Yes.

17:49:06 23 Q. And then, at some point as you were answering questions, you  
17:49:11 24 said, I just started lumping all the horses together, right, Jose  
17:49:17 25 Trevino's and everybody else's? But you didn't really do that

17:49:19 1 because you had separate accounts for Jose Trevino and any other  
17:49:22 2 horses that like Carlos Nayen might pay the bill for --

17:49:26 3 MR. GARDNER: Your Honor, this is not a question. This  
17:49:29 4 is Ms. Williams testifying at this point. I object to the form  
17:49:31 5 of the question.

17:49:33 6 MS. WILLIAMS: I'm trying to ask a question.

17:49:34 7 THE COURT: Well, let's try it again.

17:49:38 8 Q. (BY MS. WILLIAMS) You testified at some point, you lumped  
17:49:40 9 all the horses together. Do you remember saying that?

17:49:42 10 A. I lumped some of the horses together, not all of the  
17:49:45 11 accounts.

17:49:45 12 Q. Well, what you said was all the horses, but you -- are you  
17:49:49 13 saying that's not really what you meant?

17:49:50 14 A. That's not what I meant.

17:49:52 15 Q. Because you kept Jose Trevino's horses separate, didn't you?

17:49:55 16 A. Some of his horses. Yes.

17:49:57 17 Q. Which ones didn't you keep separate?

17:50:03 18 A. The horses that he claimed were his were separate.

17:50:20 19 Q. Didn't you advise Jose Trevino to sell Blues Ferrari at  
17:50:26 20 auction?

17:50:27 21 A. I don't believe I did.

17:50:29 22 Q. You don't believe you did?

17:50:30 23 A. No. I don't.

17:50:31 24 Q. You might have?

17:50:33 25 A. No. I don't think I did. I didn't advise him on selling



17:50:36 1 any horses.

17:50:40 2 Q. Didn't Jose Trevino look to you for a lot of advice?

17:50:44 3 A. Looked at me for some advice.

17:50:50 4 Q. When Tempting Dash was at Southwest Stallion Station, didn't  
17:50:54 5 Jose Trevino come and visit that horse pretty often, like once a  
17:50:59 6 week?

17:50:59 7 A. Yes, he did.

17:51:00 8 Q. And when he was there, didn't he watch the operation that  
17:51:03 9 was going on, the breeding operation?

17:51:05 10 A. Yes, he did.

17:51:05 11 Q. And didn't he ask you a lot of questions?

17:51:07 12 A. Yes, he did.

17:51:08 13 Q. And didn't he ask you a lot of advice?

17:51:10 14 A. You're talking about breeding now, not about racing or  
17:51:12 15 selling.

17:51:14 16 Q. Didn't he ask you for a lot of advice?

17:51:16 17 A. He asked me about a lot of breeding advice.

17:51:18 18 Q. Well, let's talk about this Blues Ferrari sale. How much  
17:51:34 19 did the Mackeys bid?

17:51:37 20 A. I don't think the Mackeys were bidding on Blues Ferrari.

17:51:40 21 Q. You don't?

17:51:41 22 A. Not that I know of.

17:51:42 23 Q. You don't think the Mackeys bid \$250,000 for that horse?

17:51:45 24 A. They could have. It wasn't under my knowledge.

17:51:48 25 Q. You didn't tell anybody that?

17:51:51 1 A. No. I did not.

17:51:53 2 Q. When you called Jose, what number did you call him on?

17:52:14 3 A. His regular cellphone. I don't know the number.

17:52:17 4 Q. 972, something, something, something?

17:52:18 5 A. Sounds familiar. Yes.

17:52:20 6 Q. I mean, that's -- you testified about some Nextel phone, and

17:52:32 7 I believe that the testimony was that you took it to the FBI.

17:52:36 8 You let them run whatever diagnostics they wanted to on it, and

17:52:39 9 then, eventually you took it to Jose.

17:52:41 10 A. I did not say I took it to the FBI.

17:52:49 11 Q. You turned it on and you looked at the contacts? Is that

17:52:53 12 what you did?

17:52:54 13 A. That's what I said.

17:52:55 14 Q. And you called Agent Lawson and you told him about it?

17:53:05 15 A. Yes.

17:53:05 16 Q. And if Agent Lawson had wanted to run some diagnostics on

17:53:09 17 that phone, he could have?

17:53:10 18 A. That's speculation.

17:53:15 19 Q. Did you ever call Jose Trevino on a Nextel phone?

17:53:18 20 A. I used my Nextel to call Jose sometimes, yes. Maybe not

17:53:26 21 over the radio, but I used my Nextel phone.

17:53:34 22 Q. May I have just a second, your Honor?

17:54:30 23 When you made an agreement with Jose Trevino about

17:54:33 24 Tempting Dash's stud fees, what was that agreement?

17:54:36 25 A. About the stud fee price?

17:54:39 1 Q. Well, the stud fee price and when you would pay it. Did you  
17:54:42 2 tell him, we're not going to pay it till the end of the breeding  
17:54:45 3 season?

17:54:45 4 A. Well, we said a stud fee of 5,000 to begin with.

17:54:51 5 Q. Okay.

17:54:53 6 A. Yeah. I mean, said he wanted to be paid as the checks came  
17:54:57 7 in.

17:54:57 8 Q. And did you say that was okay?

17:54:59 9 A. I said it's not typical, but if that's how you want to do  
17:55:03 10 it, that's how we'll do it.

17:55:04 11 Q. So that was your agreement?

17:55:05 12 A. That was our agreement.

17:55:06 13 Q. But then, you kind of got mad about that later on, didn't  
17:55:11 14 you?

17:55:13 15 A. I didn't get mad about the agreement.

17:55:21 16 Q. Well, you made it sound like Jose was showing up all the  
17:55:24 17 time asking for his stud fee, didn't you?

17:55:27 18 A. Well, I got money coming in that I don't know if it's for  
17:55:30 19 stud fees or I don't know if it's for my bills. So I got nobody  
17:55:32 20 telling me what's what.

17:55:34 21 Q. And so, did you ask that question?

17:55:36 22 A. Multiple times.

17:55:43 23 Q. I mean, you know that this call is being recorded, right?  
17:55:45 24 Nobody else knows, right?

17:55:46 25 A. Right.

17:55:50 1 Q. And so, you're saying, you're getting me in a jam with Jose  
17:55:54 2 because I just can't pay all those stud fees up front. Isn't  
17:55:58 3 that what you said?

17:55:59 4 A. I said that they were getting me in a jam.

17:56:02 5 Q. Well, and didn't you say, because I just can't pay all those  
17:56:04 6 stud fees unless you pay those up front?

17:56:09 7 A. Correct.

17:56:12 8 Q. But that was your agreement?

17:56:14 9 A. But they weren't paying the stud fees up front.

17:56:20 10 Q. But you didn't know that, one way or the other, because you  
17:56:22 11 didn't get a good answer is what you're saying?

17:56:24 12 A. No. Because they never paid any stud fees before breeding  
17:56:27 13 season started, like a typical owner would.

17:56:31 14 Q. And so, whose responsibility was that, yours or theirs?

17:56:34 15 A. If it was my horse, it would be my responsibility. I  
17:56:37 16 wouldn't have bred any of the mares, to begin with, if the stud  
17:56:40 17 fees hadn't been paid to start with.

17:56:43 18 Q. But you did.

17:56:45 19 A. He's not my horse.

17:56:51 20 Q. But then, later, there's a call where you tell Mr. Trevino  
17:57:01 21 that you got some money, and he says that's good for you. Do you  
17:57:07 22 remember that call, which I can't find?

17:57:11 23 A. Yes.

17:57:11 24 Q. It's on July 29th. This is already -- this is after you've  
17:57:24 25 already gotten mad, right? You've already had that phone call

17:57:27 1 where you're obviously angry? You know which one I'm talking  
17:57:30 2 about? May 16th, 2011?

17:57:33 3 A. Wasn't obvious to me that I was angry.

17:57:42 4 Q. Frustrated?

17:57:44 5 A. I might go for frustrated.

17:57:47 6 THE COURT: Since we're agreed on that, members of the  
17:57:54 7 jury, remember the instructions. Have a nice evening. Remember  
17:57:58 8 not to learn anything, or listen to anything, or read anything,  
17:58:02 9 or whatnot. I'll see you at 8:30 in the morning.

17:58:35 10 (Jury not present.)

17:58:38 11 THE COURT: Mr. Graham, you're excused until in the  
17:58:42 12 morning. Don't talk to anyone about the case.

17:58:45 13 THE WITNESS: Thank you.

17:59:01 14 MS. WILLIAMS: Over the lunch break, I made a phone  
17:59:05 15 call to Richard Gilbert, who was the defense attorney who  
17:59:12 16 cross-examined Mr. Rejon at the trial he testified in Washington,  
17:59:22 17 D.C. to try to determine whether or not they were provided with  
17:59:29 18 some Jencks or Giglio material that might be relevant in our  
17:59:33 19 trial. It's little bit difficult to know the answer because, as  
17:59:40 20 our materials are, their materials are under protective order.

17:59:51 21 THE COURT: You mean he's under an order of agreement  
17:59:55 22 not to disclose?

17:59:57 23 MS. WILLIAMS: Correct.

17:59:58 24 THE COURT: But his case was, what -- it wasn't the  
18:00:03 25 money laundering. It was importation and distribution?

18:00:11 1 MS. WILLIAMS: Yes, your Honor.

18:00:11 2 So I guess I'm just looking for a little direction from  
18:00:13 3 the Court. We would like -- Mr. Gilbert is willing to give us  
18:00:16 4 those materials and we would like to have them so that we could  
18:00:18 5 review them for ourselves. I don't really know the best way to  
18:00:21 6 go about putting us under their protective order or --

18:00:30 7 THE COURT: Well, it depends. Depends on if the  
18:00:34 8 presiding judge up there has entered an order. I wouldn't have  
18:00:39 9 the authority to reverse his order and we don't know -- I mean,  
18:00:48 10 just being frank, we don't know the circumstances. We've got  
18:00:51 11 people that are testifying in this case under the threat of  
18:00:55 12 death. We've got clients that have dangers. You've got -- we  
18:00:59 13 don't know all of the things. I've entered an order similar to  
18:01:03 14 that which limits y'all, not in this particular case but would in  
18:01:10 15 the other.

18:01:13 16 So there's no easy answer to that except that the  
18:01:18 17 government continues to say that they have complied with Brady  
18:01:26 18 and Giglio with regard to the allegations in this lawsuit. But  
18:01:32 19 let's find out from the government. You've got any additional  
18:01:35 20 things since?

18:01:37 21 MR. GARDNER: Your Honor, the letters that I've  
18:01:38 22 provided to the defense counsel was a cut-and-paste from Darrin  
18:01:42 23 McCullough, the attorney up there, of what he provided --

18:01:44 24 THE COURT: When you say up there, the Washington? Is  
18:01:46 25 that a Washington --

18:01:46 1 MR. GARDNER: Washington, yes, sir.

18:01:48 2 THE COURT: And that's the only time he's ever  
18:01:49 3 testified?

18:01:50 4 MR. GARDNER: Yes, sir.

18:01:52 5 I cut and pasted that letter to give you all the  
18:01:55 6 material he gave, and I provided that in accordance with the  
18:01:58 7 letter to defense counsel. So if there's something else out  
18:02:03 8 there, I don't know about it. It hasn't been represented to me  
18:02:07 9 there's anything else out there with respect to any Brady  
18:02:10 10 material which would indicate that Mr. Rejon did not accurately  
18:02:15 11 identify any of these folks. Again, your Honor, he stated it was  
18:02:18 12 a drug trial against a person known as "Yankee." Mr. Cano  
18:02:23 13 Flores.

18:02:24 14 I don't have any Giglio material with respect to any  
18:02:26 15 promises made to Mr. Rejon for his testimony other than what's  
18:02:30 16 been disclosed here in court today.

18:02:32 17 MS. WILLIAMS: And nobody's trying to say, your Honor,  
18:02:33 18 any different --

18:02:34 19 MR. GARDNER: I don't take any criticism.

18:02:36 20 MS. WILLIAMS: -- that Mr. Gardener has something that  
18:02:38 21 he's not giving us. But Mr. Gilbert is a friend of mine and I've  
18:02:41 22 asked enough questions that I believe that there is something  
18:02:44 23 there that we should at least take a look at. Do you have any  
18:02:44 24 ideas?

18:02:44 25 MR. DEGEURIN: I was hoping that the Judge would have

18:02:44 1 an idea.

18:03:11 2 MR. GARDNER: Your Honor, maybe I can help with a  
18:03:12 3 suggestion. I will attempt to get all agent notes, and I will  
18:03:15 4 provide those in camera to the Court if I do get them, and ask  
18:03:19 5 the Court to review them in camera to determine independently if  
18:03:23 6 there's any Giglio or Brady material. I would stress that the  
18:03:26 7 defense attorneys have the transcript of that trial, which Mr.  
18:03:32 8 Gilbert --

18:03:32 9 THE COURT: Well, you know, that's what the difficulty  
18:03:34 10 is because the issues are so entirely different, it wouldn't  
18:03:37 11 surprise me that there's any overlap time-wise, distant-wise. I  
18:03:44 12 mean, I don't know how there could be any substantive difference  
18:03:49 13 there. It's just I assume they've got the dope and they arrested  
18:03:57 14 the people and --

18:04:00 15 MS. WILLIAMS: But I asked him pointed questions and  
18:04:03 16 because I did, I do believe that there is something that --

18:04:07 17 THE COURT: Well, get all those letters up. I'll  
18:04:09 18 certainly look at in-camera position. I guess, though, you'll  
18:04:13 19 have to give me what you have given counsel. I'll have to  
18:04:19 20 compare them.

18:04:20 21 MR. GARDNER: I will do, your Honor. It's a lot of  
18:04:22 22 material I'll provide to the Court.

18:04:24 23 MR. DEGEURIN: Yes. We can streamline it a little bit.

18:04:26 24 THE COURT: You're not going to streamline anything.  
18:04:29 25 I'm fearful I'm going to get 200 pages.



18:04:33 1 MR. GARDNER: It will be more than that, your Honor.

18:04:35 2 MR. DEGEURIN: I'm afraid of the same thing.

18:04:37 3 MS. WILLIAMS: Here's what I suggest is, you know, a

18:04:38 4 lawyer actually went and looked in their box and said, here's

18:04:41 5 what I have. What if that lawyer provides that information to

18:04:46 6 the government, which shouldn't violate the protective order, and

18:04:50 7 then, the government can provide it to you?

18:04:52 8 MR. DEGEURIN: Not to us.

18:04:56 9 MR. GARDNER: Say it again. I'm sorry.

18:04:58 10 MS. WILLIAMS: Well, I mean, my conversation with the

18:05:00 11 lawyer was there was some specific things --

18:05:01 12 THE COURT: She's just asking that whatever the

18:05:04 13 government gave the Washington lawyer, he gives it back to the

18:05:11 14 Washington assistant attorney general, then they could forward it

18:05:18 15 down and I can look at that.

18:05:20 16 MR. DEGEURIN: That will work.

18:05:21 17 MS. WILLIAMS: I was actually suggesting that the

18:05:23 18 defense lawyer might provide it to the prosecutor just because --

18:05:26 19 MR. FINN: Directly.

18:05:28 20 MS. WILLIAMS: They've already looked at it and have

18:05:29 21 it. They can provide it to the prosecutor. I don't think that

18:05:32 22 would violate the protective order. And then, the prosecutor

18:05:34 23 could provide it to you. That might streamline.

18:05:36 24 MR. GARDNER: My understanding was they had a return on

18:05:39 25 their Jencks material muck like a protective order.

18:05:41 1 MS. WILLIAMS: The case is still pending, so they still  
18:05:44 2 have it all.

18:05:45 3 MR. GARDNER: I will ask the prosecutors up there, your  
18:05:47 4 Honor, what they've provided, and I will provide everything to  
18:05:48 5 the Court so there's no dispute in the future about anything with  
18:05:51 6 respect to what the government provided defense attorneys. And I  
18:05:57 7 don't believe at this point, given the possibility of the number  
18:06:00 8 of individuals, that Mr. DeGeurin's entitled to it. So I would  
18:06:03 9 ask that it be reviewed in camera under seal.

18:06:07 10 THE COURT: Well, I'll do that. Of course we're  
18:06:12 11 looking at time. Speaking of time, what is the anticipation of  
18:06:16 12 the government? Are you going to finish tomorrow?

18:06:19 13 MR. GARDNER: I believe there's a good possibility of  
18:06:23 14 that, your Honor, depending, of course --

18:06:23 15 THE COURT: If not, early Wednesday.

18:06:27 16 MR. GARDNER: -- on the questions.

18:06:29 17 THE COURT: Okay. So tell those people to.

18:06:34 18 MR. GARDNER: Your Honor, if I could ask if Ms.  
18:06:36 19 Williams could identify specifically what Mr. Gilbert said that  
18:06:40 20 would give her an indication that there's something out there.  
18:06:44 21 That she provide the specific response of Mr. Gilbert to the  
18:06:47 22 Court.

18:06:48 23 THE COURT: Well, you're asking me if you can. That's  
18:06:52 24 a question only you can ask. But y'all are treading on -- I  
18:06:57 25 don't know what the authority is not to give it out. And until

18:07:01 1 we know that, there's really nothing you can do about it. But  
18:07:04 2 what is being requested is that the information delivered in  
18:07:12 3 Washington be shipped to you posthaste, and I will look at it and  
18:07:18 4 see if that information -- and I can go through it pretty quickly  
18:07:25 5 because it's an importation-distribution case, which is -- most  
18:07:29 6 of it is not going to have much to do with horses and selling and  
18:07:34 7 buying and that type of thing.

18:07:36 8 MR. DEGEURIN: That's what I was trying to articulate  
18:07:38 9 is you've already -- you've already seen that fish. You don't  
18:07:43 10 need this much stuff to look through. But there are --

18:07:45 11 THE COURT: But they may have given them that much. I  
18:07:48 12 mean, I have no idea.

18:07:49 13 MR. DEGEURIN: I'm sure they did, but most of it had to  
18:07:52 14 do with the case up there. But they are --

18:07:53 15 THE COURT: Are you just limiting it to the witness  
18:07:56 16 here?

18:07:58 17 MR. DEGEURIN: Yes.

18:08:00 18 MS. WILLIAMS: (Moving head up and down.)

18:08:02 19 THE COURT: You can the tell the assistant.

18:08:04 20 MR. GARDNER: What witness?

18:08:06 21 MR. DEGEURIN: Rejon.

18:08:07 22 THE COURT: They're just asking the one witness as if  
18:08:10 23 they could get any more dirt on him. But those who play together  
18:08:19 24 get sandy. Have you ever heard that?

18:08:22 25 Okay. So defense counsel, be ready on Wednesday. All

18:08:30 1 right. Have a nice evening.

18:08:30 2 (Proceedings adjourned.)

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